FROM THE

RECORDS OF THE GOVERNMENT OF INDIA,

HOME DEPARTMENT.

No. CCCLIII.

HOME DEPARTMENT SERIAL No. 22.

PAPERS

RELATING TO

THE PROVINCIAL SERVICE

FROM

1888—96.

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A SELECTION OF PAPERS

RELATING TO

THE PROVINCIAL SERVICE.

From the Government of India, to the Secretary of State for India,—No. 58, dated the 9th October 1888. No. 1.

With our Despatch No. 6 (Public), dated 24th January 1888, we forwarded to Your Lordship copies of the Report presented by the Commission appointed under our Resolution No. 34—1573-98, dated the 4th October 1886, to consider the question of the admission of Natives of India to higher and more extensive employment in the various branches of the public service connected with the civil administration of the country. At the same time we stated that the report would require mature consideration, and that some time must necessarily elapse before we should be in a position to place Your Lordship in possession of our views regarding it. Having since then carefully considered the report, we are now able to communicate to you our conclusions on the principal questions discussed therein.

2. Before proceeding to do so, however, we desire to express our appreciation of the manner in which the Public Service Commission has discharged the onerous duties confided to its care. The Commission was composed of members representing many phases of opinion and an extreme diversity of interests. The subjects of discussion were of the most important nature, and had for many years been debated in the public press and in educated Indian society with an increasing degree of interest and fervour. That under such conditions the Commission arrived at an unanimous conclusion affords, in itself, strong testimony to the good judgment of its members and to the public spirit which animated them. But the weight of this testimony is enhanced when it is recognised that, whatever differences of opinion may exist as to method and detail, the report is, on the whole, as marked by moderation and fairness in its main principles as by a thorough grasp of the many intricate subjects with which it deals. We believe Your Lordship will agree with us in thinking that the best thanks of Government are due to Sir Charles Aitchison and to the members of the Commission, for the valuable assistance they have afforded the Government in its efforts to arrive at a satisfactory solution of this difficult and important question.

I.

3. The history of the efforts which have from time to time been made by Her Majesty's Government to admit Natives more largely to the higher posts in the Administration is given with sufficient fulness in Chapter III of the Commission's Report, and we do not propose to repeat it here. It will be sufficient to advert very briefly to the circumstances which led to the appointment of the Commission. Your Lordship is aware that the rule framed in 1879 under 33 Vict., cap. 3, section 6, with the object of regulating the appointment of Natives of India to posts ordinarily reserved for members of the Covenanted Civil Service were, after a short experience of their working, found to be unsatisfactory. The question of amending them came under consideration towards the close of Lord Ripon's administration; and the Government of India, after consulting Local Governments on the subject, communicated its views to the Secretary of State in the Despatch No. 51 (Public) of 12th September 1884. The Government of India was of opinion that of the two modes by which Natives of India can be admitted to the Civil Service in this country, *viz.*, the competitive examination held under 21 & 22 Vict., cap. 106, section 32, and the rules framed under 33 Vict., cap. 3, section 6, the former should be primarily relied on; and the Statutory system should only be resorted to as a secondary mode of recruitment to the extent to which the number of Natives entering by the competition in London might fall short of the proportion desired. The proportion of Natives to be admitted under the Statutory system had been fixed in the rules at one-sixth of the whole recruitment for the year. Allowing for Natives passing in the open competition, the Government of India considered, on a scrutiny of the results of past years, that 18 per cent. might fairly be taken

as a proper proportion of the whole recruitment to be reserved for Natives. It was accordingly proposed to make certain changes in the conditions of the competition in England, with a view to afford facilities to Natives to enter by that avenue; and to make up any deficiency in the 18 per cent. by Statutory appointments, to be made under revised rules in which wide latitude of arrangement should be left to Local Governments, subject to the control and approval of the Government of India.

4. These proposals were not approved by Lord Kimberley, who, in his Despatch No. 1 (Public), dated 8th January 1885, objected to them on grounds of policy and also because they appeared to him to be founded on an erroneous view of the legislation of Parliament respecting the Indian Civil Service. He did not think that Parliament intended the examination held under Statute 21 and 22 Vict., cap. 106, section 32, to be the primary method of selecting Natives of India for the Civil Service, or that the provisions of Statute 33 Vict., cap. 3 section 6, should fall into a secondary place. On the contrary, he considered the Act of 1870 to be the remedy provided by Parliament itself for any defects that might show themselves in the competitive system established in 1853, and for any inconvenience or injustice which the Natives of India might be shewn by experience to suffer through the necessary adaptation of the examination in London to the circumstances of home-born rather than of Indian competitors for the Civil Service. He described the Act as a measure of remarkable breadth and liberality, affording an unlimited field of experiment in methods of selection, and added that it was the plain duty of both branches of the Indian Government to exhaust this remedy before undertaking the possibly impracticable task of completely adapting competitive selection in England to the circumstances both of European and of Indian candidates. Lord Kimberley, therefore, requested the Government of India to give its fullest deliberation to the Act of 1870, and to the question of effecting the utmost possible improvement in the rules deriving force from its provisions.

5. On receipt of this Despatch, the whole question was reconsidered by the Government of India in the light of the Secretary of State's instructions. Revised draft Rules under the Act of 1870 were prepared and circulated for the opinion of Local Governments and Administrations, and after considering the replies received, we again addressed the Secretary of State, in our Despatch No. 11 (Public), dated 9th February 1886, forwarding a copy of the draft rules as finally revised with reference to the criticisms received from Local Governments. At the same time the Government of India invited the serious attention of the Secretary of State to the comments of the Local Governments upon the radical defects of the Statutory system. The Government of India feared it would be over-sanguine to anticipate a permanent and satisfactory settlement of the matter from any revision of the Statutory rules which was not based on a radical change of system. From this point of view we declared ourselves willing, if the Secretary of State agreed, to reconsider the whole question; but expressed the opinion that any scheme, to be entirely satisfactory, would require Parliamentary legislation; and that unless the Secretary of State was willing to undertake such legislation as might be shewn to be necessary, it would be impossible to devise a satisfactory scheme.

6. The Secretary of State's reply is contained in his Despatch of 15th July 1886, in which he declared it to be very desirable that the question should be re-opened and carefully reconsidered in the manner suggested in our Despatch of 9th February 1886. He accordingly requested the Government of India to appoint a Commission, with power (if the Governor General in Council thought fit) to go into the whole subject independently of the limitations at present imposed by Act of Parliament, and with a view to Parliamentary legislation if necessary. The Commission was to contain a proportion of Native members and to be sufficiently representative of the different classes and modes of thought in India. Particular heads of inquiry were prescribed, which it is unnecessary to repeat in detail, but the object of the Commission was, following our suggestion, broadly defined to be "to devise a scheme which might reasonably be hoped to possess the necessary elements of finality, and to do full justice to the claims of Natives of India to higher employment in the public service."

7. A Resolution embodying the Secretary of State's instructions was issued by us on 4th October 1886, and the sittings of the Commission, which was composed of 15 members, presided over by the Honourable Sir Charles Aitchison, then Lieutenant-Governor of the Punjab, commenced shortly after. On the completion of the work of collecting evidence in regard to the Covenanted Civil Service and the Judicial and Executive branches of the Uncovenanted Service, it was arranged by our orders of 8th March 1887 that the second division of the inquiry, embracing the question of the admission of Natives of India and of Europeans to the marginally-noted branches connected with the civil administration of the country, should be conducted by a Sub-

Accounts, Archæology, Customs, Education, Forests, Geological Survey, Jails, Mint, Opium, Pilot Service, Police, Post Office, Public Works, Registration, Salt, Surveys and Telegraphs.

Committee, presided over by Sir Charles Turner. On the completion of the Sub-Committee's inquiries, the Commission met in November 1887 for the consideration of the evidence, and presented its Report on 18th January last. This report was subsequently referred to Local Governments and Administrations for opinion on certain points stated in our letter No. 21—621-30, dated the 16th March 1888, of which, as well as of the replies received from Local Governments, we enclose copies for Your Lordship's information.

8. Having thus traced briefly the circumstances which led to the appointment of the Commission, we now proceed to consider the fundamental recommendations made in its Report. Those recommendations are grouped under five heads—the Competitive System; the Statutory Service; the Covenanted Service; the Uncovenanted (Judicial and Executive) Services; and the Special Departments, the last head embracing the various branches of the public service enumerated in the margin of the preceding paragraph. In the following observations we shall to some extent depart from this order of subjects, and deal first with the recommendations concerning the Statutory and Covenanted Services.

II.

9. Lord Kimberley, in the Despatch of 15th July 1886, to which we have already referred, desired that a careful inquiry should be made as to the existence and extent of the alleged feeling of dissatisfaction on the part of Natives of India with the existing Statutory Service, and also into the question whether it was the Statute of 1870 itself that was objected to, or the rules framed under it. These and other questions relating to the Statutory Service which were laid before the Commission are dealt with in Chapter VI of the Report. The Commission states that the existing Statutory Service has failed to fulfil the expectations formed in regard to it, and that it is for sufficiently good reasons condemned not only by particular sections of the Native Community, but also by the very large majority of officials, both European and Native, who have had practical experience of its working. Having carefully examined the evidence recorded on this part of the subject, we agree with the Commission's conclusion that the existing Statutory Service should be abolished. Without desiring to add to the Commission's detailed examination of the efforts which have been made to give effect to the Statute of 1870, we would remind Your Lordship that it was originally the purpose of the Government of India to select its Statutory Civilians from among its tried and successful officers in the Judicial and Executive branches of the Uncovenanted Service. From this purpose, however, the Government of India was diverted by the interpretation placed upon the Statute by the Law Officers of the Crown in England in 1874. New rules were accordingly framed, the object of which was declared by the Government of India in 1879 to be "not the transfer to the superior ranks of the civil administration of a class of officers whose services have already been secured by Government in the inferior ranks, but to attract to the service of Government young men of good family and social position, possessed of fair abilities and education, to whom the offices opened in the inferior ranks or uncovenanted service have not proved a sufficient inducement to come forward for employment." The result of this policy was that men experienced in affairs and tried in the public service were passed over, while young men of good family were selected in the hope that they would make up for defective training and education by bringing territorial or political influence to the support of the Government. The earlier selections under the Statute of 1870 were, therefore, made more on grounds of political expediency than of administrative advantage. The result of this experiment was very disappointing, and accordingly it soon became necessary to widen the field of choice by giving to the Local Governments greater liberty in making their selections. The results of the latter method of appointment have also been unsatisfactory. "The persons appointed," as the Commission states, "do not bear favourable comparison in regard to their work as public servants with Native Civilians who have entered the Civil Service through the channel of the English competition. In the majority of cases such persons cannot be said to be superior, while they are in some cases inferior, in education and ability to the average of those appointed or promoted to the higher ranks of the Uncovenanted Service; and it is doubtful whether any except a few of them enjoy a higher social consideration or belong to more influential families." There can thus be no doubt that the Statutory system has failed to secure properly qualified officers for the Public Service.

10. The objections to the Statutory system, however, as the Commission observes, have been directed rather against the rules than against the Statute itself. At the same time, as Your Lordship is aware, the obscurities and difficulties of interpretation which surround the

Statute have more than once formed the subject of correspondence with Her Majesty's Government. The general objections to it are stated in paragraph 67 of the Report. The Statute would certainly have to be amended before any satisfactory rules could be framed. Those who have expressed themselves in favour of retaining the Statutory system for the most part desire it to be so altered as to restrict the selection of Statutory Civilians to men whose merit and ability have been actually proved in the higher ranks of the Uncovenanted Services or the legal profession. This object appears to us to be equally well attained by the formation of a Provincial Service in the manner proposed by the Commission. One valuable feature in these rules which we think should be retained, is the security they afford for the introduction of a system of special selection for the appointments which are at present reserved for the Covenanted Civil Service. This feature we preserve in the constitution which we propose for the Provincial Service. Subject to this condition and considering that the Commission, after careful deliberation, found itself "unable to suggest any amendment either of the Statute or of the rules such as would adequately meet the issues which it has had to consider," we unanimously recommend that the Statutory Service be no longer retained, that section 6 of 33 Vict., cap. 3, be repealed, and that the services be reconstructed, on the basis of an Imperial and Provincial Service, in accordance with the Commission's recommendation. We consider that the terms "Imperial" and "Provincial" are well adapted to express the character and scope of the two services, and agree to their being respectively substituted for "Covenanted" and "Uncovenanted," the use of which should be discontinued.

11. In th 73rd and 81st paragraphs of its Report, the Commission explains the principles on which this reconstruction should, in its opinion, be effected. Briefly stated, these principles are, first, that the strength of the Covenanted Service should be reduced by transferring a certain number of appointments now ordinarily filled by Covenanted Officers to the Provincial Service; second, that the Provincial Service (comprising the Judicial and Executive appointments transferred from the Covenanted Service and the higher appointments in the present Judicial and Executive branches of the Uncovenanted Service) should be locally recruited from Natives and Europeans resident in India who satisfy prescribed conditions; lastly, that the conditions of pay, leave, and retiring annuity of the members of the Provincial Service should be determined on independent grounds, and bear no fixed proportion to those of the Imperial Service. On the second and third proposals we shall offer some observations when we come to deal with the Provincial Service. Here we restrict our remarks to the proposed reduction in the strength of the Covenanted Service.

12. In the 76th paragraph of the Report, the Commission proposes that no change in principle should be made in the Statute 24 and 25 Vict., cap. 54, which directs that all vacancies in certain specified offices in the Regulation Provinces shall, save under special circumstances, be filled from among the Covenanted Civil Servants of the Crown in India. But, while maintaining the principles of the Statute, the Commission recommends a two-fold alteration in its details. On the one hand, it recommends that certain offices now reserved to the Covenanted Service in the Schedule, annexed to the Statute, should be excluded from the Schedule, and that, of the appointments so excluded, the Judicial and Revenue appointments should be gradually transferred to and amalgamated with the Provincial Service. On the other hand, it proposes that the executive orders of the Secretary of State directing the reservation of appointments in non-Regulation Provinces analogous to those reserved in the Schedule, should be embodied in the substantive law.

Dealing with the latter of these two proposals first, we strongly recommend that it be accepted, provided that the number of appointments entered in the Schedule be substantially reduced. As the Commission points out, the distinction between Regulation and non-Regulation Provinces may now be said to have practically ceased to exist; and the Secretary of State has himself applied to Provinces known as non-Regulation the same system of recruitment for the Civil Service as that established elsewhere. The system so applied reserves for the Covenanted Civil Service in non-Regulation Provinces appointments analogous to those reserved by the Statute in the Regulation Provinces. The adoption of the Commission's proposal, therefore, will make no change in existing practice, while it will, by the Parliamentary guarantee which it affords, provide in non-Regulation Provinces that security of tenure which has been considered necessary in other Provinces. On the other hand, it will restrict by law the power now possessed by the Executive Government to appoint Natives of India to such offices at its discretion; we are, therefore, of opinion that the extension of the Statute to non-Regulation Provinces should be accompanied by a reduction of the appointments specified in the Schedule.

13. The appointments which the Commission proposes to exclude are set out in the 77th paragraph of the Report. Against these proposals we have but three objections to make, and they are objections of detail.

In the first place, we are of opinion that it is not advisable to exclude from the Schedule one member of the Board of Revenue in Madras, Bengal, and the North-Western Provinces and Oudh, and one Financial Commissioner in the Punjab. Your Lordship will observe from paragraph 77 of the Report, in which the arguments for and against the proposal are given, that six members of the Commission dissented from this recommendation; and you will also observe from the enclosures to this Despatch that objections are entertained to it by Local Governments. Having regard to the division of opinion in the Commission and to the views of Local Governments, we are of opinion that those appointments should be included in the Schedule. From our views upon this point our Honourable Colleague Sir Charles Aitchison desires to dissent, for the reasons given on page 74 of the Report.

In the next place, while we agree to the exclusion from the Schedule of one of the chief Revenue officers of divisions in all Provinces except Bombay and Assam, which the Commission excludes from its proposal, we think it undesirable that the appointments so excluded should be amalgamated with the Provincial Service. The Commissioner of a Division holds a post which should be filled by men who possess the highest qualities of tact, firmness, judgment as well as physical ability. It is not desirable that in selecting an officer to fill even the one unreserved Commissionership, the Government should be restricted to the Provincial Service. But, while we do not think it desirable in the public interests that any of these posts should be amalgamated with the Provincial Service, so as to compel us of necessity to select from that service, we consider that the office of Commissioner is an object of legitimate ambition to the Provincial Service, and that we should not be debarred by law from making occasional selections from that service of men who have proved themselves fit for such advancement. We, therefore, accept the recommendation to exclude from the Schedule one of the appointments in question in all the Provinces, except Bombay and Assam, but we do not propose to amalgamate it with the Provincial Service.

In the same way we concur with the recommendation of the Commission (paragraph 77 of the Report) that the posts of Under Secretaries to the several Governments be excluded from the Schedule, but not amalgamated with the Provincial Service; and we have also agreed that one of the Secretaries to the Board of Revenue in Madras, Bengal, North-Western Provinces and Oudh and to the Financial Commissioner of the Punjab, when there are more than one [Report, paragraph 77 (7)], should be treated in a similar manner, that is to say, that the post, though excluded from the Schedule, should not be amalgamated with the Provincial Service. This arrangement meets the objection taken by the Bombay Government to the exclusion of Under Secretaries from the Schedule.

Our last objection is to the recommendation made in paragraph 93 of the Report, that the office of Accountant General should be removed from the Schedule. On this point we would invite Your Lordship's attention to the correspondence ending with our Despatch No. 380, dated the 16th November 1880, from which you will perceive that the question of the best way of filling these appointments has been the subject of long discussion between the Government of India and the Secretary of State, and that, with the approval of Her Majesty's Government, we decided that those offices should be retained in the Schedule. We are unwilling to alter a decision so deliberately pronounced, especially as the Commission itself "considers that ordinarily the appointments will be most efficiently held by members of the Imperial Service." But while we are of opinion that the post of Comptroller General and that of Accountant General may in the larger Provinces be most suitably filled by Covenanted Civilians, we are desirous of affording encouragement to the best officers belonging to the "Enrolled" list of the Accounts Departments by holding out to them as a reward for conspicuous merit the prospect of succeeding to one of the Accountant Generalships. We accordingly propose to exclude from the Schedule one Accountant Generalship and to adopt the rule of ordinarily filling it by selection from the enrolled lists. We propose to deal similarly with the Comptrollership of Burma if, as appears probable, it be necessary to raise it to the status of an Accountant Generalship. From this decision to retain the offices Accountant General in the Schedule, His Excellency the Viceroy and the Honourable General Chesney and the Honourable Sir Charles Aitchison dissent.

We beg leave to forward as an enclosure to this Despatch the Schedule as now altered by us, which we desire to substitute for the Schedule N of the Commission's Report.

14. In the 77th and 81st paragraphs of the Report, the Commission points out that the effect of its proposals is to remove about 108 appointments from the list of offices now reserved

by law or by the Secretary of State's oders to the Covenanted Service; and it recommends that, if the *cadre* or working body of the Covenanted Civil Service is larger than would be required under the proposals now made to fill the remaining appointments, the Government should in the future recruitment for the Civil Service have regard to the reduced Schedule in order to give due effect to these proposals. We intend at an early date to address Your Lordship on the subject of the future strength of the Imperial Service. Meantime we may observe that the ultimate effect of the Commission's proposals will be to fill about one-sixth of the appointments now reserved for Covenanted and Statutory Civilians with members of the Provincial Service. Thus stated the result as it affects the recruitment of the Civil Service does not materially differ from that produced by the Statutory system. Since 1881 the Government of India has made arrangements for the recruitment of five-sixths of the requirements of the Covenanted *cadre* in England and of one-sixth in India. As the Commission does not propose a reduction in the aggregate strength of the *cadre*, but a redistribution of offices between the Covenanted or Imperial and the Provincial Services, it would seem that so far as the Commission's proposals are concerned, no reduction in the scale of recruitment for the Imperial Service is it present called for; and that, in order to give effect to these proposals in regard to the Provincial Service, all that need be done is to cease to recruit officers under the Statute of 1870 and commence recruiting Provincial officers to the same extent to which Statutory officers have been hitherto recruited. The old system will thus merge in the new without any dislocation of existing arrangements.

15. It will be convenient if, before passing from this part of the subject, we here express our opinion on the recommendation made in paragraph 87 of the Report, namely, that Statutory Civilians should be absorbed into the Provincial Service in such positions as, having regard to the circumstances of each case, the Government of India may consider to be equitable. The question is not free from difficulty, because the status of a Statutory officer is now superior to that of an officer in the Uncovenanted Judicial and Revenue Service, and any measure of amalgamation, if not carefully qualified, might be regarded as an infringement of just expectations. There are three possible ways of dealing with Statutory officers in active service. We may treat them as the Commission proposes, or we may allow them to retain their existing status, or they may be absorbed into the Imperial Service by Parliamentary legislation.

We cannot recommend the third course, because its effect would be to introduce into a limited and reduced *corps d'élite* officers not possessing the qualifications essential for membership of such a body. With reference to the second course, it is to be remembered that a Statutory officer is appointed not to a Service, but to a particular post. He has no admitted claim to advancement in ordinary course apart from the special consideration he may earn by special merit and ability displayed in the particular post he holds; and although in practice it has not been unusual to advance him side by side with his Convenanted contemporaries, yet each step is treated as a fresh appointment under the rules. The maintenance of the *status quo* in this respect would simply mean that his appointment would continue as hitherto to be specially treated outside both the Imperial and the Provincial Services. This arrangement would be of no benefit to the Statutory officers concerned, while it would have the effect of postponing to some extent the operation of the Commission's proposals for the amalgamation with the Provincial Service of the higher appointments excluded from the Schedule. This effect should be, if possible, avoided. We think it may be avoided, without injury to the interests of the Statutory officers, if the proposed transfer be qualified by a provision that, *cæteris paribus*, the latter shall, if considered qualified, have a preferential claim over members of the Provincial Service to promotion to the transferred appointments. Subject to this condition, which confers upon Statutory officers a benefit over and above what the Commission thought necessary, we consider that the unanimous conclusion at which the Commission arrived on this part of the subject should be accepted.

16. In paragraph 80 of the Report, the Commission suggests that, in giving effect to its proposals regarding the higher appointments excluded from the Schedule of 1861, regard should be had to the claims of officers appointed before 1870, that is to say, before the enactment of 33 Vict., cap. 3, but not to the claims of officers subsequently appointed. This is practically the view taken in paragraph 9 of our Despatch No. 11 of 9th February 1886. But inasmuch as it was not till 1880 that the Statutory system began to be regularly carried into effect, we are of opinion that it would be more equitable to take the latter year. In modification, therefore, of the recommendation made in paragraph 80 of the Report, we are of opinion that the year 1880 should be substituted for the year 1870 in the Commission's 21st recommendation (Report, page 142), and that, in dealing with officers appointed before the year 1880 to the Convenanted Civil Service, effect should be given to the intentions expressed by the Secretary

of State in the Despatch of 27th May 1875 in connection with the subject. With regard to officers appointed to the Convenanted Civil Service after 1880, we agree with the Commission in thinking that as the measures now recommended will be gradually introduced, the reasonable claims and expectations of such officers will not be injuriously affected.

17. In the 77th and 78th paragraphs of its Report the Commission makes two proposals in the expediency of which we cannot concur. In the first place, it proposes that the Schedule to 24 and 25 Vict., cap. 54, modified as suggested in paragraphs 12 and 13 above, should be liable to change without further Parliamentary legislation; and, in the second place, it proposes to confer upon the Government in India a wider power of direct appointments to offices included in the Schedule than is now conferred upon them by the Statute. In regard to these points, we considered that the adoption of the Commission's proposals or either of them would seriously diminish the value of the Parliamentary guarantee on the basis of which the Imperial Service will be constituted. We have, however, no objection to offer to the suggestion for improving the method of procedure under section 4 of the Act which the Commission makes in the 79th paragraph of its Report.

III.

18. The next portion of the Commission's proposals on which we desire to remark is concerned with the open competitive examination held in England. In connection with this portion of the subject, the Secretary of State observed that the chief points for enquiry were—(1) whether the competitive examination for Native candidates should be held in India as well as in England ; (2) whether, if the existing system which permits Natives to compete in England be substantially maintained, there should be any change in the limit of age for Native candidates, or in the character of their examination ; and (3) whether it was desirable, as suggested by the Government of Bengal, that the number of Native probationers to be selected by competitive examination in London should be first fixed, and the Native candidates afterwards selected by an examination separate from that for Europeans, and specially adapted as regards limits of age and otherwise to the conditions of Natives of India. With reference to the first of these important questions, the Commission decides that it is inexpedient to hold an examination in India for the Covenanted Civil Service simultaneously with the examination in London. The Commission points out that while the Convenanted Civil Service is only large enough to man 765 appointments all told, the duties which the officers composing that Service are called on to discharge involve wide and serious responsibilities, and require very high qualifications and special training in the agency employed. It recognizes that as the Convenanted Civil Service represents the only permanent English official element in India, the importance of recruiting that Service with reference to the maintenance of English principles and methods of Government cannot be overrated. Having regard to the general considerations set forth with great force in paragraph 60 of the Report, the Commission concludes that recruitment in India for the Civil Service is undesirable. We are unanimously of the opinion that this conclusion is correct. The true principle on which the Commission has very strongly insisted is, that the conditions of the open competitive examination should be framed with the object of securing candidates trained in the highest and best form of English education. If under such conditions Native candidates succeed, they will then, as Lord Macaulay said, "enter the Service in the best and most honourable way." The establishment of simultaneous competitive examinations in India and in England would sacrifice the principle we have stated. It would be entirely foreign to the intentions of the framers of the competitive system, and be open to grave practical objections. We therefore fully agree with the Commission in deprecating the entertainment of any such proposal.

19. It follows from what we have stated that we are also opposed to any change in the conditions of the examination which would differentiate Native from English competitors at the examination held in London. We therefore agree with the view expressed in the 64th paragraph of the Report, that a separate examination in London for Natives of India, as proposed by the Bengal Government, should not be held; and we also concur with the Commission in thinking that any lowering of the standard or of the distinctively English character of the examination could not fail to be attended with consequences injurious to the public interests. From this point of view, and after a full consideration of the evidence given upon the subject, we are of opinion that, while the existing scale of marks in regard to Sanskrit and Arabic fairly represents the educational value of these languages as compared with the other subjects which it is open to candidates to select, and should, therefore, remain unaltered, the examination in these two subjects should be materially increased in strictness, and the standard of knowledge in regard to them raised. We consider it to be conclusively proved that, as the examination is

now conducted, it is far easier for a candidate to obtain high marks in Sanskrit or Arabic than in either Latin or Greek, and that even as regards English candidates *inter se*, the present arrangements in regard to Oriental classics are calculated to give an advantage in favour of the less deserving.

20. As regards the question of the age at which candidates should compete, we are strongly of opinion that, like the other conditions of the open competitive examination in London, it must be determined mainly with the object of securing candidates trained in the highest and best form of English education. Under the existing rules which fix the age-limits for the examination at 17—19 years, we are satisfied that this object is not attained. Your Lordship is aware that the introduction of the existing age-limits was preceded, during Lord Northbrook's administration, by a careful enquiry, the results of which were summed up in our Despatch No. 57, dated 30th September 1875. As was to be expected, there was considerable difference of opinion on the question of age. At that time the limits were from 17 to 21, and the arguments for raising the limits to 19—22 are forcibly stated in Lord Northbrook's Minute of September 22nd, 1875. For reasons given in his Despatch No. 19 (Public), dated 24th February 1876, however, the Secretary of State decided at that time to lower them to 17—19 years with effect from 1878. The existing system has accordingly been in operation for nearly ten years, and the Government of India is thus in a position to apply to it the test of experience. Judged in this way, the system in our opinion is not the one best suited to the present circumstances of India. Four years ago the Government of India recommended that the limits of age should be raised, and we consider that the general tendency of the measure now proposed is to enhance the necessity for reverting to the limits that were prescribed when the competition system was first introduced. The Covenanted Civil Service is so strictly limited and reduced in numbers that very wide powers are necessarily entrusted to officers shortly after their arrival in the country, and the increasing complexity of the administration demands greater maturity of judgment and more thorough education on the part of our officers. For these and other reasons we consider it undesirable that the Civilians sent out from England should begin their service in this country so young as under the existing system they do. We are, therefore, of opinion that the age-limits for all candidates at the open competition in England should be raised to 19—23.

While we have arrived at this conclusion on general grounds, the Commission has unanimously and strongly made the same recommendation as regards Native candidates, and its recommendation is supported by evidence of unquestionable authority. Under such circumstances we consider it to be expedient that effect should be given to the recommendation in question. The Commission was precluded by the terms of its instructions from considering the question in its relation to English candidates. But we think that it would be impossible for us to deal with the question satisfactorily under the limitation imposed for good and sufficient reasons upon the Commission, and we could not approve of raising the age for Natives while that for English candidates is retained unaltered. In this view the fact that the evidence taken by the Commission in respect to Native candidates has led it to the same conclusion at which we on independent grounds have arrived on the general question, is an additional argument in favour of our recommendation that the age at which all candidates shall compete should be raised to 19—23 years. From this conclusion our Honourable Colleague Sir Charles Elliott, who is in favour of retaining the present age-limits, dissents. Our Honourable Colleague Mr. Westland, while not objecting to the raising of the maximum, would prefer to leave the minimum limit of age as it at present stands, or at least not higher than 18 years.

It would be a necessary corollary of the raising of the age-limits that the standard of examination should also be raised and adapted to testing the comparative merits of young men who at the Universities have acquired a highly finished general or special education. If Your Lordship adopts our views on the question of age, we would further recommend, as proposed by Lord Northbrook in his Minute of 22nd September 1875, that the period of study which probationers should, after the open competition, be required to spend in England should be reduced to one year as formerly.

21. The preceding observations have reference to the Commission's proposals in connection with the Covenanted and Statutory Services; we now proceed to consider its recommendations in connection with the proposed Provincial Service. As stated in the 11th paragraph of its Report, the Commission proposes to constitute the field of employment of this Provincial Service partly out of appointments which are at present reserved to the Covenanted Civil Service and partly out of the existing Uncovenanted appointments. We have already expressed our approval of this proposal, so far as it affects the Covenanted Service. With respect to the

Uncovenanted appointments, it is proposed (Report, paragraphs 75 and 81) to unite the higher of these appointments with the appointments transferred from the Covenanted Service; and having thus created a new Provincial Service, the lower appointments at present filled by Uncovenanted officers will be formed into a "Subordinate Civil Service." The precise point at which the dividing line should be drawn may vary slightly in different Provinces, and will, therefore, be fixed by local Governments with the sanction of the Government of India. But it is anticipated that, as a general rule, it will be found to conform to existing well-known administrative arrangements. As regards *personnel*, it is proposed (Report, paragraph 82) that the Provincial Service should be manned partly by promotion from the "Subordinate Civil Service," and partly by recruitment from all natural-born subjects of Her Majesty, who fulfil certain conditions regarding residence in the Province, and possess other qualifications (Report, paragraphs 82 and 84) to be prescribed by the Government. It is recommended that persons so recruited shall be subject to a period of probation or training, during which time their appointment will be provisional only, unless in exceptional cases the Government decides otherwise. Finally, it is proposed (Report, paragraph 85) that the grades of pay in the Provincial Service shall be determined on independent grounds, and shall not necessarily bear any fixed proportion to those of the Imperial Service.

22. To this scheme, as a whole, we give our support. Subject to a modification which we shall presently state; we specially approve the recommendations that each Provincial Service shall be recruited from residents in the Province; that the length of residence subject to the stated minimum of three years, shall be prescribed under rule by us with reference to local and other circumstances; that first appointments shall be on probation; that the rates or grades of pay shall be fixed at definite amounts so as not to be open to the objections which now attend the operation of the two-thirds rule, and to effect a substantial economy in the public expenditure.

The modification to which we have referred in connectien with the Provincial recruitment is that, not only all natural-born subjects of Her Majesty, but also the subjects of Native Princes in alliance with Her Majesty, shall be eligible for admission to the Public Service in British India, provided they be qualified in other respects. With reference to the remarks of the Commission in paragraph 59 of the Report, we are further of opinion that the subjects of such Native States should be eligible for the open competition in London for the Imperial Service. On many grounds we consider it to be desirable that our service should not be closed to the well-disposed inhabitants of Native States, but that they be encouraged to look to our Government for an honourable career and lucrative employment conditional on approved and loyal service.

23. But, while thus accepting the scheme for the Provincial Service as a whole, we consider that the recommendations of the Commission require to be supplemented by further provisions on some points of detail, more especially with regard to the method to be adopted in filling the higher appointments to be transferred from the Covenanted Service, and the plan to be followed in recruiting for the junior posts. With respect to the former, we are strongly of opinion that promotion within the Provincial Service to the higher offices (*i.e.*, District Magistrates and Sessions Judges) to be transferred from the Convenanted Service should be altogether special, and that the Service rules should contain a distinct provision that such promotion is not to be expected and will not be made as a matter of ordinary course, but that in every case selection will be made of the fittest and most capable men without regard to their individual standing in the Provincial Service. We feel very strongly that it will be impossible to treat these higher appointments as seniority appointments in a service which will necessarily be mainly recruited with reference to the qualifications required for officers of a less responsible and less independent character. We observe that in paragraph 89 of the Report the principle is laid down that, "inasmuch as the posts of chief administrative officers of districts and Judges involve very responsible duties, the principle of selection should be more completely adopted in regard to these appointments." This principle, which we understand to be applicable to the Imperial as well as to the Provincial Service, is good so far as it goes; but it needs to be emphasized. It must, therefore, be made quite clear that admission to the Provincial Service does not of itself, and apart from special proved fitness, carry with it any claim to promotion to the higher appointments referred to, and that for these appointments selection, not limited to any grade of the Provincial Service, is essential. It may also be necessary from time to time to attach such special conditions to those appointments as experience may show to be necessary, with a view to give effect to the Commission's intention that Natives of India shall enjoy the full advantage of the measures now proposed.

24. The next point to be considered in this connection is the plan to be followed in recruiting for the Provincial Service generally. Promotion for conspicuous merit from the Subordinate Service is one way of filling Provincial appointments, but, for the present purpose, "recruitment" is to be understood in the sense of first admission to Government employment. On this very important matter the Commission says (Report, paragraph 82) that no uniform system applicable to all Provinces can at present be adopted; and it recommends that recruitment should be made separately by the Local Governments to meet their own special requirements, but in all cases under rules to be sanctioned by the Government of India, and that, whatever system of recruitment be adopted—whether nomination, limited competition, or open competition—the rules should be so framed as, on the one hand, to secure for the service the best Natives obtainable in the Province, and, on the other hand, to admit of all claims to admission to the service being fully considered. We view with entire approval these important recommendations; and if we do not hear from your Lordship to the contrary, we propose to take early measures, in communication with Local Governments, to frame rules of recruitment for the different Provinces.

25. We do not consider it necessary in this connection to enter upon a discussion of the subject of open competition in India. The question has a very different aspect in this country from that which it bears in England. In obedience to its instructions the Commission has reported very fully on the subject, but such support as it may be held to give to open competition as a means of recruitment for the Provincial Service is very hesitating and qualified. Its own leaning appears to be to a system of limited competition among candidates previously selected on grounds of general fitness. There are indications in the papers submitted with this Despatch that none of the Local Governments is likely to adopt open competition to any extent, and for our own part we do not consider that it would be a suitable method of recruitment under present circumstances in India. But without anticipating the recommendations of Local Governments in regard to this or any other possible methods of recruitment, it shall be our care that the rules to be framed, while making due provision for indispensable educational attainments, shall be such as are adapted, on the one hand, to obtain for each Province thoroughly efficient candidates, and, on the other hand, to secure the due representation in the public service of the different classes of the community. It is quite clear, however, that in any system that may be adopted, educational qualifications must be insisted on; and from this point of view we fully approve of the proposal made by the Commission in paragraph 90 of the Report, that a Board of Examiners should be appointed in each of the larger Provinces, which shall perform duties similar to those intrusted to Her Majesty's Civil Service Commissioners in England.

IV.

26. Subsidiary to the main proposals for filling up the Provincial Service, the Commission makes two recommendations, which, with a slight qualification in the case of one, we approve. One recommendation is, that no barrister, advocate, or pleader should be appointed to the Provincial Service, unless he can speak the Provincial vernacular, and has been at least three years actually practising his profession. This recommendation we accept with the qualification that the barrister or advocate shall have practised his profession for three years in India The other recommendation, which we accept without qualification, is, that the Government should reserve the power (similar to that conferred by 24 and 25 Vict., cap. 54, in regard to the Covenanted Service) of making in special cases and under prescribed conditions direct appointments of Natives of India to the higher grades of the Provincial Service. We are willing to agree to the Commission's stipulation, that such appointments when made to judicial offices should be restricted to barristers, advocates, or pleaders of an Indian High or Chief Court of not less than 10 years' standing and acquainted with the Provincial vernacular.

27. The Commission (paragraph 83 of its Report) recommends that in the High Courts of Calcutta and Bombay the number of Judges selected from the Judicial Branches of the Provincial Service, or from advocates or pleaders of the High Courts, should be increased; and that a similar course should be pursued in regard to the High Court at Madras, in the event of the strength of that Court being increased to six Judges. The High Courts of Judicature in India are established under 24 and 25 Vict., cap. 104; and section 2 of that Statute provides that not less than one-third of the Judges of such Courts, including the Chief Justice, shall be barristers (of not less than five years' standing), and not less than one-third shall be members of the Covenanted Civil Service. We agree that within the limits set by the Statute the number of Native Judges may be properly increased on a suitable opportunity. This would

give three Native Judges to the Calcutta and two each to the Bombay and Madras Courts. The adoption of the recommendation of the Commission in this respect does not necessitate any alteration of the Statute.

We may add that in our Despatch No. 16, dated 17th May 1887, we anticipated the Commission's recommendation (paragraph 83 of the Report), that advocates of a High Court should be eligible for appointment to the Judicial Bench; and that your Lordship, replying on the 21st July 1887, promised that, if an amendment of the Statute should hereafter be deemed desirable, our recommendations will be taken into consideration.

28. In connexion with the Provincial Service, only five of the Commission's recommendations now remain to be considered. The first of these is, that the orders of 1879 forbidding the appointment without previous sanction of persons other than Natives of India to offices carrying salaries of R200 a month or upwards in certain departments of the public service, should be cancelled (paragraph 84 of the Report). The second is, that the pay and conditions of leave and pensions of gentlemen appointed to high office by Her Majesty, or by the Secretary of State under 24 and 25 Vict., cap. 54, should be the same, whether the gentleman appointed be a member of the Imperial or Provincial Service, or hold no appointment in the service of Government (Report, paragraph 85). The third is, that retrospective effect should not be given to alterations in Pension Rules against the will of persons injuriously affected thereby (Report, paragraph 85). The fourth is, that before dismissal for misconduct a member of the Provincial Service should be entitled to demand an inquiry into his conduct under whatever law may be at the time in force relating to inquiries into the behaviour of public servants (Report, paragraph 88). The last is, that officers of the Imperial and Provincial Services, if declared ineligible for promotion, should be liable to be compulsorily retired on reduced pensions (Report, paragraph 89).

29. Taking these proposals in inverse order, we wish to point out, in regard to the last, that the proposal here made was put forward by the Government of India in its Financial Despatch No. 39, dated the 17th January 1873; and that the Secretary of State, in his letter No. 133 of the 27th March following, declined to sanction any general arrangement by which pensions not authorized by existing rules could be granted without reference to him. The Secretary of State, however, added that he would be prepared to consider any proposal which the Government of India might make for the grant of a special pension in a case of the nature referred to. On consideration, we think it inexpedient to prescribe any formal rule on the point or to recommend to Your Lordship any relaxation of the procedure thus laid down in 1873 by the Duke of Argyll.

30. With reference to the fourth recommendation mentioned above, we would observe that at present no officer of Government charged with misconduct has a right to demand a Court of Inquiry. It is true that laws do exist which enable the Government to hold a Court of Inquiry into the conduct of an incriminated officer, but the institution of an inquiry under these laws is the prerogative of the Crown, not the privilege of the officer concerned. We consider it undesirable and unnecessary to alter this procedure; but we have no objection to provide by rule that no member of the Provincial Service shall be dismissed otherwise than on the result of a judicial or formal departmental inquiry. Such a rule would practically coincide with the existing custom and with standing orders.

31. To the third recommendation we are opposed. We consider it inexpedient that the Government should, by any such stipulation with its servants, preclude itself from taking steps which, under circumstances impossible to foresee, may be dictated by urgent necessity or by public interest. Such changes as those contemplated by the Commission's proposal are rarely undertaken, and never except under pressure of public necessity or with the object of benefiting a Service as a whole; and it may safely be said that all alterations hitherto made have been such, that an officer (except in the comtemplation of immediate retirement) would seldom hesitate to range himself under the new conditions of service in preference to the old. When the last change was made in September 1887, this excepted case was provided for by giving an option to all persons retiring within six months; and it was safe to assume that officers who meant to stay even a few years in the service, would prefer the new to the old conditions.

32. To the second recommendation, which we understand chiefly refers to High Court Judgeships, we have no objection to offer, so far as the question concerns pay. But we consider it undesirable to re-open the questions of leave and pension allowances, which we think were satisfactorily settled by the Secretary of State's Despatch No. 18, dated 27th May 1886. We concur in the reasons therein given for regulating the leave and pension allowances of Natives of India with reference to Indian rather than to English considerations.

33. The last recommendation to which we have to refer raises obvious considerations of some little defficulty; but it is in keeping with the general principles on which the Commission's Report is framed, and which we have in the main accepted. The high preliminary qualifications in Oriental languages prescribed as a condition of eligibility to the Provincial Service, the requirement of recent residence of at least three years in the Province, the periodical publication of the rules framed with the previous sanction of the Government of India, and generally the considerations indicated in paragraph 84 of the Commission's Report, appear to us to be sufficient safeguards, and to fully meet the objections which naturally present themselves to the withdrawal of the orders of 1879. We therefore concur with the Commission in recommending that European British subjects resident in the Indian Provinces be eligible in common with others for admission to the Provincial Service under the ordinary rules, but that, when it is considered necessary to recruit persons of that class for the Provincial Service otherwise than under the prescribed local rules, the recruitment shall be effected through the Secretary of State.

34. We conclude our remarks on the Commission's proposals regarding the Provincial Service by saying that it seems unnecessary to make any such provision as that recommended in the 75th paragraph of the Report for placing the members of the Imperial and Provincial Services on a footing of social equality. When members of the Provincial Service hold offices mentioned in the Warrant of Precedence, they will, in accordance with it, rank with members of the Imperial Service holding similar offices. This, we understand, is practically what the Commission desired; and further than this it seems undesirable to go.

V.

35. We ha placed Your onvwe Lordship in possession of our views on all the proposals made by the Public Service Commission in connection with the two great Services through which the Judicial and Executive administration of the country is carried on. There remain the various Special Departments, enumerated in the margin of paragraph 7 above, in respect to which the Commission has made suggestions. As a general rule, it may be said that the Commission has recommended the application to the Special Departments of the principles, so far as they may be practicable, which it has applied to the Covenanted and Uncovenanted Services. To this general rule no exception can be taken. No doubt a good deal will depend on the application of the rule; but this is an aspect of the question which we do not propose to consider until we have learned what your Lordship's conclusions are on the Commission's recommendations regarding the Covenanted, the Statutory, and the Uncovenanted Services, and on the observations which we have now made upon that portion of the Report We may indeed find it necessary to modify in certain respects the definite suggestions which the Commission makes in regard to some, at all events, of the Special Departments. But these are questions of detail, which need not now be further pursued. We will only add that taken as a whole, the Commission's suggestions in regard to the Special Departments seem to us to be as strongly marked by moderation and good judgment as the more far-reaching recommendations which we have now considered.

We enclose a Minute by His Excellency the Viceroy.

No. 2. From the Secretary of State for India, to the Government of India,—No. 104, dated the 12th September 1889.

Report of the Indian Public Service Commission.

In a Despatch, dated the 9th October 1888, No. 58, the Government of Lord Dufferin conveyed to me the conclusions to which they had been led by mature consideration of the Report presented by the Commission appointed in October 1886 to consider the question of the admission of Natives to higher and more extensive employment in the Civil administration in India.

2. After a careful study of the result of the labours of the Commission, I cordially concur in the high appreciation expressed in the Despatch of the manner in which the President and members have performed the responsible duties imposed upon them. The voluminous Record attached to the Report testifies to the magnitude of their labours, and the exhaustive treatment of every point leaves nothing wanting in the materials necessary for arriving at a decision on the questions referred to them. The Commission visited every Province of India except Burma. Between four and five hundred witnesses were examined; among them were members of every branch of the administration falling within the scope of the inquiry; representatives of all the more educated classes of the non-official Native and European communities;

members of the learned professions, delegates of associations, editors of newspapers, zemindars, merchants, pensioned officers of the British Government, and officials belonging to Native States.

3. The recommendations of the Commission derive additional importance from the manner in which it was constituted. It was composed of members representing many phases of opinion and much diversity of interests. Its President was Sir Charles Aitchison, Lieutenant-Governor of the Punjab, and among its members, fifteen in number, were Sir Charles Turner, late Chief Justice of the High Court at Madras, five members of the Covenanted Civil Service chosen from the five principal provinces of India, a representative of the non-official European and of the Eurasian community, respectively, a member of the Uncovenanted Civil Service and six Native gentlemen selected from different parts of India as representing various classes and modes of thought, and as commanding the confidence of their fellow-countrymen. These Native gentlemen were Mr. Romesh Chunder Mitter, a Judge of the High Court at Calcutta, who has twice acted as Chief Justice; Raja Udhai Pertab Singh of Bhinga, a Taluqdar of Oudh, who has taken much interest in public affairs; Sir Sayyid Ahmad, Khan Bahadur, one of the leaders of the Mahommedan community in Northern India and the founder of the Anglo-Oriental College at Alighur; Kazi Shahbudin, Khan Bahadur, late Dewan of Baroda; Rao Bahadur Krishnaji Lukshman Nulkar, President of the Poona Sarvajanik Sabha; and Mr. S. Ramaswami Mudaliyar, a Vakeel of the High Court at Madras.

4. The scheme framed by the Commission does not suggest any very serious change in the main features of the existing system of administration. It proposes that, for the conduct of the higher branches of the Executive and Judicial work throughout India, there should continue to be, as at present, two distinct Services. The first of these would be the existing Covenanted Civil Service which the Commission has proposed to call the Imperial Service, recruited by competition in England, and open without distinction of race to all natural-born subjects of Her Majesty. Its numbers would continue to be regulated on a scale which would enable it to fill the majority of the highest Civil offices, with such a number of smaller offices as will provide a course of training for the younger men. The second of the two Services would be called the Provincial Service, and it is to the constitution of this Service that the principal recommendations of the Commission refer. It would be recruited in each Province of India separately, and would hold the higher appointments of the existing Uncovenanted Service, together with a certain number of the appointments now ordinarily reserved by law or practice to the Covenanted Civil Service which would be transferred to the Provincial Service. It is proposed that the two classes of appointments should be gradually amalgamated, and that recruitment should be effected provincially under various methods adapted to local circumstances. Among the appointments to be transferred to the Provincial Service are one-third of the offices of District or Civil and Sessions Judge, and one-sixth of the offices of Magistrate and Collector of a district, as well as others of both higher and lower rank. To facilitate this measure it is proposed that the transferred appointments in the Regulation Provinces should be excluded from the Schedule of the Statute 24 and 25 Vict., cap. 54, and that the strength of the Covenanted Civil Service should be proportionately reduced. The Provincial Service would be open to all natural-born subjects of Her Majesty, but recent residence of at least three years in a province and thorough knowledge of its language are recommended as among the essential conditions of admission to its Provincial Service. The Commission further proposes that the grades of pay in the Provincial Service, and the pay of appointments to be held by its members, together with the general conditions of that Service as to leave and retiring annuity, should be fixed on independent grounds. The terms offered to the Provincial Service in these respects would be those which are necessary to secure locally in India the desired qualifications.

5. While, as I shall explain, there are points on which I am unable to agree with the views of the Commission, I give my entire assent to the main principles of its scheme. It has the merit of involving no great dislocation of existing arrangements; it "maintains" (to quote the words of the Commission*) "the very high standard of qualification necessary for the Covenanted Civil Service; and it meets the general desire that all Her Majesty's subjects should receive equal treatment."

* Report, paragraph 74.

6. To obtain facilities for the introduction of this scheme the Commission recommends some very important changes in the Acts of Parliament which now regulate the admission of Natives and others not being members of the Civil Service of India, to offices, places and appointments therein. The law is comprised in the Act 24 and 25 Vict., cap. 54, and section 6 of the Act 33 Vict., cap. 3, — which may be quoted as the Statute of 1861 and the Statute of 1870. By an earlier Statute (33 Geo. III., cap. 52) it was enacted that all vacancies in any offices, places or employments in the civil line of the Company's Service in

India (under the degree of Councillor) should be filled up from the Civil Servants of the said Company. As civil offices multiplied, it was found that the number of "Covenanted Civil Servants of the Crown in India" was insufficient to fill them all; and by reason of the exigencies of the Public Service, appointments were made from time to time which may not have complied with the terms of this enactment. The object of the Statute of 1861 was, first, to legalize all such appointments in the past, and secondly, to empower the authorities in India to make such appointments in like circumstances in future. The method adopted in the Act was to specify in a Schedule a number of offices which (with all similar offices thereafter created) were to be filled from amongst the Covenanted Civil Servants of the Crown in India, except under special circumstances and conditions defined by the Act. The offices in the Schedule (with a few exceptions) were the higher Judicial and Revenue appointments in the Regulation Provinces, *i.e.*, in Bengal, the North-Western Provinces, Madras and Bombay. And it was enacted that vacancies in any existing offices not named in the Schedule, and any others that might thereafter be created in India, might be filled up without regard to the qualifications, conditions and restrictions of 33 Geo. III., cap. 52. The Act was passed on grounds of administrative convenience to remove restrictions on the power of appointment to Civil offices; and it does not establish a claim in any particular race or class to be admitted to them. The Act of 1870, section 6, on the contrary, was passed for the special benefit of the Natives of India, as therein defined; and it provided additional facilities for their employment, if of proved merit and ability, in the Civil Service of Her Majesty in India. It empowered the authorities in India, subject to rules to be prescribed by the Governor General in Council and sanctioned by the Secretary of State in Council, to appoint any Native of India to any office ordinarily reserved to members of the Covenanted Service, although such Native may not have been admitted to that Service by the method of examination prescribed for entrance thereto.

The Commission recommends, with the approval of your predecessor's Government, fresh legislation, including a revision of the Schedule of the Statute of 1861 and the entire repeal of section 6 of the Statute of 1870. The considerations adverse to legislation of the kind proposed are so weighty that I am constrained to examine narrowly the arguments which would pepresent it as unavoidable.

7. The Commission unanimously recommended that no change should be made in the principle laid down by the Act of 1861, that all vacancies in certain offices described in the schedule should, except under special circumstances, be filled by members of the Covenanted Civil Service. Appointments in that Service have, as they observe, always been held under Parliamentary guarantee; and its maintenance is necessary "not only in order to attract the best qualified candidates by providing security of tenure, but also to guard against the possibility of abuses and to protect the Government from the pressure of influences which, as experience has shown, are not always easily resisted."* But the Commission advised the amendment of the Schedule of the Statute; first, to facilitate the transfer to the Provincial Service of certain appointments named in the Schedule; and second, because the existing restrictions of the Schedule apply only to the Regulation Provinces, and the distinctions between the administration of Regulation and non-Regulation Provinces having now become little more than historical, the Commission desired to apply to the latter the principle already applied to the former, and in both cases to include in a revised Schedule, the offices to be ordinarily held in future by members of the Covenanted Service.

* Report, paragraph 76.

The Commission also recommended the repeal of section 6 of the Statute of 1870, on the grounds that the expression "Natives of India" requires better definition; that it is susceptible of more than one meaning; that however it may be interpreted, it must operate with inequality; that although the section allows the appointment of Natives of proved merit and ability to specific offices, it does not admit them to membership in an organized Service; and that, if the scheme for the formation of a Provincial Service be adopted, the maintenance of the section will tend to the exclusion of Europeans from its higher posts and be inconsistent with the principle that in the recruitment for that Service all classes of Her Majesty's natural-born subjects shall be treated alike. But while it recommends the repeal of the provision above-mentioned, the Commission also recommends that the power conferred on the Government by section 3 of 24 and 25 Vict., cap. 54, should be enlarged so as to permit the appointment to an office specified in the revised Schedule, of persons not being members of the Covenanted Service who have exhibited exceptional merit or ability in the Public Service, and, in the case of reserved judicial offices, of persons of exceptional merit or ability proved in active practice in a High Court.

8. I must observe, as to the first point, that the Commission's proposal to transfer a number of appointments from the Schedule, and to amalgamate these and the analogous appointments in the non-Regulation Provinces with the body of offices to be held by a Service

which (in the words of the Government of India Despatch) "will necessarily be mainly recruited with reference to the qualifications for offices of a less responsible and less independent character," suggests a departure from the principle of individual selection of fit persons of proved merit and ability which was expressed by the Court of Directors in 1834 in the dictum that fitness was to be the criterion of eligibility, and which has always hitherto been maintained. The Commission no doubt in general terms advocates promotion by merit and not by seniority; but it appears to contemplate something rather in the nature of the establishment of vested rights of the Provincial Service in the higher appointments transferred to it than the existing practice of raising an individual to a Covenanted Service post on the ground that he is fit and competent to hold it. The Government of India did not fail to observe this point in the Commission's scheme, and commented upon it in the following passages of their Despatch :—

Paragraph 23.

Promotion within the Provincial Service to the higher offices to be transferred from the Covenanted Service should be altogether special and the Service rules should contain a distinct provision that such promotion is not to be expected and will not be made as a matter of ordinary course, but that in every case selection will be made of the fittest and most capable men without regard to their individual standing in the Provincial Service.

. . . . It must be made quite clear that admission to the Provincial Service does not of itself, and apart from special proved fitness, carry with it any claim to promotion to the higher appointments referred to.

If it be granted that the revision of the Schedule of the Statute of 1861 and the repeal of section 6 of the Statute of 1870 are essential to the scheme of the Commission, it seems to me that this amendment superadded by the Government of India, of which I cannot but approve, restores very much the position of affairs as it stands under these Statutes. Selection of the fittest and most capable men for offices to which they have no other claim than that based on proved personal fitness implies the exercise by the selecting authority of a distinct act of choice on each occasion; and no Act of Parliament can do more to facilitate such choice than the Statute which empowers the Government to appoint any Native to any office for which he is fit.

9. As to the second point, the repeal of section 6 of the Act of 1870 would do nothing in itself to advance the purpose of the Commission to make the offices excluded from the Schedule a part of the domain of "an organized Service," or in the words of the Report, remedy the failure of the "law to specify the number of appointments which should be made and to render it obligatory on the Government to make them to the full limit." Its repeal would doubtless make it possible to merge the excluded offices in the body of appointments which the men of the Provincial Service are to be recruited to fill; but, as I have observed, the Government of your predecessor were not prepared to accept such unconditional amalgamation, and in this I cannot doubt that they were right. Nor would the wish for an "organized Service" be met by such means. The law, if amended as proposed, would not give effect to the objects of the Commission, which would still have to be attained, if at all, by the executive action of the Government. The Commission proposes no Statutory basis for the Provincial Service. The mere exclusion of certain offices from the Schedule of the Statute of 1861 would decide nothing as to their future disposal. The analogous appointments in the non-Regulation Provinces are not reserved by Schedule, but they have been dealt with executively on the same principles and with generally the same reservations as the Scheduled appointments. Nor is the reduction of the appointments reserved in the Schedule a necessary preliminary to the reduction of the strength of the Service recruited by competition in England. The strength of that Service is regulated by the rate of recruitment, which is not controlled by Statute but by executive orders; and the Government of India observe that the recruitment for the Covenanted Service has in fact been reduced since 1881 approximately in the proportion desired by the Commission,—"so that so far as the Commission's proposals are concerned, no reduction in the scale of recruitment for the Imperial Service is at present called for; and, in order to give effect to these proposals in regard to the Provincial Service, all that need be done is to cease to recruit officers under the Statute of 1870, and commence recruiting Provincial officers to the same extent. The old system will thus merge in the new without any dislocation of existing arrangements."

Paragraph 14.

10. I have dealt in the foregoing remarks with the principal reasons for legislation advanced by the Commission. My object has not been to take exception to the proposals of the Commission, which appear to me to be generally valuable and appropriate, but to show that, as modified by the Government of India, they may be substantially acted upon without Parliamentary legislation. There are, indeed, some obscurities and difficulties of interpretation which surround the Statute of 1870, but they are of minor importance. The Schedule of the Statute of 1861 has ceased to be exactly accurate. But the Act itself, read with section 6 of the subsequent Act of 1870, indicates clearly enough the principles which the Government have

accepted as regulating in all parts of India the admission to the higher offices of Natives and others who are not members of the Covenanted Civil Service. The restrictions imposed by the Act of 1861 on special appointments made under its provision were removed in favour of Natives of India by the Act of 1870. They remain in force as against other persons who are neither Natives of India nor members of the Covenanted Civil Service; and I observe that the Government of India have declined to accept the recommendation of the Commission to modify them in the sense of the Act of 1870 as regards the appointments which it is proposed to reserve in the revised schedule. And both the Commission and the Government of India propose to enforce restrictions of the same character on admission to the new Provincial Service.

11. On the other hand, supposing that legislation were unavoidable, I must call your Lordship's attention to the aspect which the particular proposals of the Commission would present when reduced to the form of an enactment. The guarantees and restrictions of the Act of 1861 relate substantially only to offices in the Regulation Provinces, *i.e.*, in Bengal, the North-Western Provinces, Madras and Bombay. The Commission has proposed to extend the guarantee given to the Covenanted Service as regards appointments reserved in the Regulation Provinces so as to include the analagous appointments in the rest of India; and the Government of India, in accepting the proposal, observe that "it will restrict by law the power now possessed by the Executive Government to appoint Natives of India to such offices at its discretion." At the same time the Commission proposes the repeal of section 6 of the Act of 1870, which empowers the authorities in India by whom appointments to offices in the Civil Service are made to appoint any Native of approved merit and ability to any such office, although he may not have been admitted to the Civil Service by competition under the Statute of 1858. This would certainly be represented as the withdrawal from the Natives of India of an important Statutory right. If it were explained that this loss is counterbalanced by the exclusion or omission from the Schedule and transfer to the Provincial Service of a portion of the appointments hitherto reserved for the Covenanted Service, the reply might be made that the fact that an office is not in the Schedule by no means implies that it shall be held exclusively by members of the Provincial Service. The Commission admits that, as regards the higher offices which it proposes to transfer to that Service, "such an arrangement would neither be desirable nor practicable;" for the present these offices are to be regarded as ground common to both Services. On the other hand, it could not be denied that a much larger number than heretofore of certain classes of offices would be reserved in the revised schedule under the full force of the restrictions of the Act of 1861. The Commission says that to the scheduled appointments thus multiplied the Provincial Service will have no claim as of right, and your predecessor's Government declined to weaken the Parliamentary guarantee by relaxing the restrictive clauses of the Act. It is not probable that Parliament would accept with satisfaction a draft enactment of which the provisions appear to reduce rather than to increase the facilities for the admission of Natives to the higher offices, on the assurance that if it is passed, certain measures of the opposite tendency not defined or prescribed in the Act will be adopted by the executive authorities.

Paragraph 12.

Paragraph 72.

12. It has been clearly recognized, moreover, in the proposals before me, that the difficulties which have really hampered the free action of the Government in using the existing Statutes are such as cannot be summarily removed by fresh legislation. They can be overcome only by time and the operation of agencies already at work. The proportion of higher offices which it is proposed to leave outside the revised Schedule form the field over which the Provincial Service is to extend itself upwards, but it is admitted that the process would occupy "nearly a generation of official life." The field is at first to be partly held by the Covenanted Service, because competent Provincial agency would become available only by degrees. Moreover, regard for the claim of the Covenanted Civil Servants, Native as well as European, and of other officers in the ranks of the several Commissions appointed before 1880, on the one hand, and the preferential rights of the Natives admitted under the Statute of 1870, on the other, would delay for years to come any complete absorption of the excluded offices into the body of Provincial Service appointments. Both the Commission and your predecessor's Government were properly sensible that the rights of existing Covenanted Civil Servants cannot be disregarded. The Government of India, however, has justly observed that the reduction of recruitment since 1880 has for some years been providing for a vacant area of high offices which may be occupied by Natives without trespass on the vested rights of others. Of the Indian gentlemen who, to the number of about 57, have been appointed since 1880 to reserved posts under the Statutory Rules, some 52 are actually holding at this moment a portion of the

appointments which the Commission proposes to transfer to the Provincial Service; and they represent the recruitment since the same date for one-sixth part of the higher or reserved appointments, which will thus become available for competent members of the Provincial Service in a period somewhat shorter than that which the Commission expects to elapse before the complete realization of its scheme. It is obvious that in the one case as in the other, the process must be gradual for the same reasons. The Commission admits that these reasons are conclusive; and if they are to prevail, legislation will secure no greater facilities for the expeditious transfer of the excluded offices to the Provincial Service than have already been provided by the reduction, under executive orders, of recruitment for the Covenanted Civil Service.

13. The defects of the existing law are defects rather of form and symmetry than of anything more serious. So far as the admission of Natives of India to the higher offices in the Public Service is concerned,—and this is the primary question now under consideration,—the Act of 1870 gives to the Government the fullest powers. I cannot do better than repeat the words used by Lord Kimberley, in his Despatch of the 8th January 1885. "The Act" (he said) "remains a measure of remarkable breadth and liberality." It empowers "the Government of India and the Secretary of State in Council, acting together, to frame rules under which Natives of India may be admitted to any of the offices hitherto restricted to the Covenanted Civil Service, and appointments made under such rules will override the restrictive provisions of any older Act of Parliament. The opinion of the Law Officers of the Crown was subsequently taken on the construction of the Act of 1870, and it would appear that there is no method of selecting Natives for higher employment in India which the provisions of section 6 would not allow to be attempted." I agree with Lord Kimberley that the Act of 1870 is the Parliamentary remedy for any defects in the existing system; and I think that it is the duty of the Indian Government to exhaust this remedy before applying to Parliament for futher legislation. Nor can I doubt that this conclusion will commend itself generally to Native opinion, which sees in the Act a valuable protection for Native interests. Although dissatisfaction with the rules hitherto passed under the Act was often expressed, I observe that there were very few among the large number of Natives examined by the Commission who did not deprecate the repeal of the Act itself.

14. My conclusion, therefore, is that the legislation proposed to me, while in itself of doubtful expediency, would not really facilitate the scheme of the Commission, because the obstacles to any very early and permanent redistribution of the public offices are due to the circumstances of the case and not to the law. Many of the measures which it is proposed to take must, for a long time to come, be more or less experimental; they can only be brought gradually into operation, and their ultimate consequences can at present be very imperfectly foreseen. After an attentive examination of the scheme as explained in the papers now before me, I have come to the conclusion that it can be accepted in substance and introduced, without discarding any essential part or disturbing its framework, upon the basis of the existing Acts of Parliament.

15. The important change in the form of the Schedule appended to the Act of 1861, which is proposed by the Commission in furtherance of its scheme for redistributing the higher offices, appears to me to indicate that both the Commission and the Government of India have failed to keep in view the true principle which regulates the reservation of certain offices to the Covenanted Civil Service, and to which it is, therefore, necessary that I should call attention. The Commission has appended to its Report a revised Schedule which your predecessor's Government have, with some modifications, approved and adopted. The change in form to which I have adverted, consists in this, that whereas the existing Schedule reserves whole classes of certain high Judicial and Revenue appointments, the revised Schedule reserves certain proportions of each class, such as(among others) two-thirds of the offices of Civil and Sessions Judge, nine-tenths of the offices of Collector and Magistrate of a district, and all but one of the offices of Commissioner of Revenue, or chief Revenue officer of a Division in all Provinces except Bombay and Assam. It is intended that the portion of each class of offices which is excluded from the Schedule should be "thrown open," and ultimately transferred to the Provincial Service. Under this plan of excluding from the Schedule a fixed portion of each class of certain offices, there would be a Statutory partition of each of those classes of offices between the Covenanted and Provincial Services. It appears to me that this proposal reserves in one sense too little, and in another sense too much. The Commission has quoted and accepted the views expressed by the Government of India,* that the Covenanted Civil Service should be reduced to a *corps d'élite*, and its numbers limited to what is necessary to fill the chief administrative

*Government of India, Home Department, Resolution No. 68—2024, 15th December 1881.

appointments of the Government, and such a number of the smaller appointments as will ensure complete course of training for junior Civilians." But in the detailed proposals by which the Commission would give effect to this proposition, it has deviated from the principle which under lies the statement of the Government of India,* and which has been distinctly enunciated in more than one Despatch by the Secretary of State. I have no desire to extend the practical application of that principle further than political necessity requires. It is in fact based on the same considerations of fitness in the broadest sense which regulate the admission of Natives of India to the higher public offices of every kind; but it justifies on indisputable grounds of public expediency the necessity of maintaining the special reservations which have hitherto existed in regard to a particular class of executive offices. No share of these offices (among which I include that of chief executive officer of a district, as well as that of Commissioner of a Division and the adminstrative offices of still higher rank) could, without a violation of that principle, be formally excluded from Statutory reservation and transferred to a Provincial Service. I do not suggest that the reservation of these offices to the Covenanted Civil Service should be so absolute as to exclude from them military officers in the non-Regulation Provinces, or that in special circumstances a member of the Provincial Service might not be appointed to one of them on grounds of proved individual fitness. What I desire to establish is that the transfer of a definite portion of them to the Provincial Service is inappropriate. If they are to be named in any list at all, the whole of each class should be specified as reserved to the Covenanted Civil Service, except in special circumstances, as they are in the Statute of 1861.

*Secretary of State to Government of India, Educational, No. 3, 8th April 1896, para 11.
Ditto to ditto, Public, No. 113, 22nd October 1872, para 7.

16. But there are many other classes of offices to which no such restrictions need, on grounds of public policy, be applied, and there is no propriety in reserving by Statute a large numerical proportion of each of these to the Covenanted Civil Service. It is in the proposed treatment of offices of this kind in the revised Schedule that the plan of the Commission appears to me to reserve too much. It is true that we cannot now foresee the time when it will cease to be necessary, in all the higher branches of the administration, that a large proportion of appointments should be held by members of the Covenanted Civil Service. It is only by these means, as the Commission observes, that we can, under existing circumstances, secure an administration conducted on principles and by methods in harmony with Western knowledge and civilization. These considerations, however, setting aside the executive offices to which I have specially referred, do not oblige us to reserve by law to the Covenanted Civil Service either the whole or any fixed proportion of any class of offices. The Commission is doubtless right in reporting that, at the present time, it would not always be possible to find, outside that Service, men qualified to hold such offices as that of member of the Board of Revenue, or of District Judge, or to be Comptroller and Auditor General, or Commissioner of Customs, Salt, and Opium, or Opium Agent; but this appears to me no sufficient reason for the conclusion that these appointments, or a proportion of them, should be declared by law to be tenable by officers of the Covenanted Civil Service only. I agree with many of the observations made on this subject by Mr. Mackenzie, Chief Commissioner of the Central Provinces, in his Minute of the 31st March 1888. If a Native or a member of the Provincial Service of any race is confidently believed by the Government to possess the ability and training, and all the other qualifications requisite for such posts, there is no reason why he should be shut out from them.

17. The question of specifically assigning offices to the Provincial Service must next be considered. The Commission evidently attaches particular value to that part of its scheme which consists of marking off, and publicly allotting beforehand, the offices accessible to persons in the Provincial Service, although their preferential claims or prior rights are subjected to several exceptions, and to the paramount condition of fitness. I infer from these papers that neither the Commission nor the Government of India desired to pledge the administration positively to reserve any particular offices exclusively for the Provincial Services. I am of opinion that the ends contemplated will be practically attained by requiring each Provincial Government to place on a separate classified list, in each province, certain offices in the different grades and departments; and by publicly declaring these to be offices to which members of the Provincial Service may (subject to the conditions laid down in the letter of your predecessor's Government) properly be appointed. These lists will be arranged to suit the preponderant administrative needs, circumstances and aptitudes of each Province and its people, and the proportion of appointments in the different branches will be from time to time determined and varied accordingly. It will thenceforward be necessary in making appointments to any of the Scheduled

offices that may be placed in these lists, to cite the powers vested in the local authorities by the Act of 1870; and the rules framed by the Government of India must, so far as these appointments are concerned, also conform to that Act. But I do not see that this procedure need affect the working of the scheme, or cause any inconvenient restriction or impediment.

18. While these lists will definitely indicate the higher offices which are recognized by the Government as the most suitable field for the employment of competent men of the Provincial Service, and in which nothing but unfitness should prevent them from being employed, the papers before me show that the time and extent of their admission to these offices are also definitely prescribed by certain circumstances which cannot be left out of account. With regard to the time, the Commission has admitted that the claims of the Covenanted Civil Service must defer for some years the full introduction of its scheme. I concur with the Government of Lord Dufferin that this preferential right must be accorded to the Covenanted Civilians and the other officers in the ranks of the several Commissions who entered the Service before the reduction of recruitment in 1880. With regard to the extent of admission, the Government of India have rightly indicated in a passage which I have quoted that this question has already been solved by the reduction of recruitment for the Covenanted Civil Service in 1880, which satisfied the requirements of the Commission. In other words the reduction of the Civil Service recruits by one-sixth, and the substitution for that one-sixth of Natives selected under the Act of 1870, defines the maximum extent to which, under present arrangements, room in the higher offices will gradually become available for competent members of the Provincial Service. The reduction of the Covenanted Civil Service is already taking effect in respect of the sixth of the junior reserved offices, and when it is completed, that Service will cease to have any special claim to the same proportion of the reserved offices as a whole. On the basis of these considerations, it is practicable to calculate the number of reserved offices to which members of the Provincial Service may be appointed after existing prior claims have ceased through efflux of time, and the definiteness of the prospect thus offered to the Provincial Service is precisely what would be secured to it by the proposals of the Commission approved by the Government of India.

19. If these or similar arrangements are made with respect to the higher offices, the remaining steps required for the constitution of the Provincial Services present comparatively little difficulty. The Judicial and Executive branches of the Uncovenanted Service are already occupied almost entirely by Natives of India; so that nothing prevents the transfer, by executive order, of those grades to the Provincial list, down to a limit that will be settled, as the scheme proposes, by each Local Government at its discretion. The result will be to constitute and establish a connected and graduated series of offices, rising from the subordinate classes of administrative business to a very high level of superior and responsible duties, Judicial and Executive, which will throw open a sure and honourable prospect of employment to persons appointed in India, and of continuous promotion to officers of tried merit and ability.

20. I do not overlook the fact that in a Provincial Service thus constituted upon the authority of existing Statutes, there will be no power (except under the Act of 1861) to appoint natural-born subjects of Her Majesty, other than Natives of India, to the Scheduled offices. But, as I have before intimated, I do not think it advisable to lay before Parliament a proposal to remove this disability, which is confined, as your Excellency is aware, to a limited class of offices in certain provinces. It is in the power of the Secretary of State at any time to modify existing orders, and to sanction the employment of Europeans, or of any person whatever, in any office (with two or three exceptions) in the Provinces of India now called the non-Regulation Provinces, and in Burma. Nor is any measure required, beyond the change of an executive order, to authorize the larger introduction of a similar element into the *personnel* of the Provincial Service.

21. Although the delay that must occur before the new system can come into full operation is inevitable, I trust that the Provincial Governments may sometimes, without infringing the equitable claims of members of the Covenanted Service, find, with your co-operation, earlier opportunities than have been contemplated of giving to the members of the Provincial Services the appointments to which it is proposed they shall ultimately attain. Whenever the conditions that I have stated can be fulfilled, I should see with much satisfaction the appointment of Natives of India of proved merit and ability to fill the offices in question.

22. I proceed to notice other important questions that have to be decided. I will take them in the order in which they are taken in the Despatch of the Government of India.

As to what is known as the Statutory Service, there is an almost universal agreement of opinion among the authorities, both European and Native, who have been consulted, that this

Service has not fulfilled the expectations with which it was formed. With the constitution of the Provincial Service, the further recruitment under the existing rules framed in accordance with section 6 of Statute 33 Vict., cap. 3, will necessarily cease. The only practical question now to be decided is the manner of dealing with the present (so-called) Statutory officers. The Commission has recommended *, as the most expedient and equitable course, that they should be absorbed into the Provincial Service, in such positions as, having regard to the circumstances of each case, the Government of India may consider just. Since the Statutory officers are now appointed not to a Service but to specific posts under the provisions of the Statute of 1870, on the grounds of "proved merit and ability," the Commission was of opinion that by transfer to the organized Provincial Service, "with consequent claims to the usual promotion in ordinary course, they would obtain a distinct advantage over and above that which they now enjoy by virtue of holding particular offices." The Government of your predecessor concurred in the view taken by the Commisson; but as a further concession in favour of the Statutory Civilians it proposed that "*cæteris paribus*, they should, if considered qualified, have a preferential claim over members of the Provincial Services for promotion to the transferred appointments."

* Paragraph 87.

While it seems to me that there can be little doubt that, at least in the great majority of cases, the transfer of the Statutory Civilians to the Provincial Service would, as the Commission believed, be really beneficial and not injurious to their interest, I am aware, from memorials that have been submitted to me, and from other sources of information, that this view is not held by all of these officers themselves. I am anxious to avoid even the appearance of injustice or want of due consideration towards these gentlemen. As observed in paragraph 15 of your predecessor's Despatch, the question is not free from difficulty, because the status of a Statutory officer is now superior to that of an officer in the Uncovenanted Judicial and Revenue Service, and any measure of amalgamation, if not carefully qualified, might be regarded as an infringement of "just expectation." I think that the course least open to objection will be to give to every Statutory Civilian the option of remaining in his present position, or of being transferred to the Provincial Service, with an acknowledgment of his preferential claims in the manner proposed by your predecessor's Government. In the former case the maintenance of the *status quo* would simply mean, as is said in the Despatch †, that his appointment would continue as hitherto to be specially treated outside both the Covenanted and Provincial Services. He would not belong to any organized Service in which he would, under ordinary circumstances, rise by seniority to certain posts. His claims to advancement would depend entirely on the merit and ability that he might display, and each step that he might gain would be treated as a fresh appointment under the rules passed under the Act of 1870. This arrangement will remove all grounds for possible complaint. This decision need not in any way affect the operation of the general scheme, except so far as the occupation of certain offices by the Statutory Civilians may temporarily reduce the number of posts available for Provincial officers.

† Paragraph 15.

23. The next subject to which the Despatch of the Government of India refers is concerned with the open competitive examination for admission to the Covenanted Civil Service, and the first point is the question whether there are any grounds for considering that, for Native candidates, it should be held in India as well as in England. There cannot, in my opinion, be any doubt that the conclusions of the Commission and of Lord Dufferin's Government on this subject are correct.

24. Few parts of the Report of the Commission are more interesting and inportant than that in which it is shown how very large a part in the administration of India is already in the hands of Natives. In the superior ranks of the Executive and Judicial branches of the Uncovenanted Service (excluding the so-called Special-Departments), there are 2,588 officers, of whom 2,449 are Natives of India, and only 35 are Europeans or Eurasions not domiciled in India at the time of appointment. It is a complete but not an uncommon mistake to suppose that the work entrusted to these officers is of minor importance. "It is with the officers, of this class" (the Commission observes ‡) "that the great mass of the people are most ordinarily brought into contact, and upon these it devolves to decide a large proportion of the disputes, whether connected with revenue, magisterial, or civil matters, which arise between man and man in ordinary life, and do not, as a general rule, come before officers belonging to the Covenanted grades." Nearly the whole of the civil Judicial business throughout India, including a large portion of that in the Appellate Courts, is transacted by Natives. Native Judges have jurisdicion in all classes of civil suits, whatever be their value, and over Europeans and Natives alike,

‡ Paragraph 47.

without distinction of nationality. The duties of the Executive branch of the Native Service are hardly less responsible and important. The officers in both branches receive salaries which in India are large, which in England would be considered liberal, and which are far higher than those usually assigned in other countries of Europe to posts of corresponding dignity.

Not including posts filled by junior officers in training, and excluding Burma altogether, there are only 765 civil charges in British India held by members of the Covenanted Service, by military officers and by Uncovenanted officers promoted to the ranks of the several Commissions in the non-Regulation Provinces. These offices represent a proportion of only one office to every 1,048 square miles of area, and to every 254,000 of population. Since 1874, notwithstanding the constantly increasing demands for improved administration, the strength of the Covenanted Service, recruited in England, has been reduced by more than 22 per cent.; and if existing orders be maintained, it will at no distant period be reduced by 12 per cent. more. Under the rules framed by Lord Lytton's Government in 1879, which, with certain modifications, are still in force, there would eventually be one Statutory Civilian for every five members of the Covenanted Service. And in recent years the number of Natives employed in the Executive and Judicial Services has been largely increased, and the field of their employment has been steadily enlarged.

25. It is not surprising that the Commission should have arrived at the conclusion that, as so little room now remains for reducing the numbers of the Covenanted Civil Service, which may be said to represent the only permanent English official element in India, the importance of recruiting that Service with reference to the maintenance of English principles and methods of government, cannot be overrated,—and that, therefore, the idea of holding a competitive examination for Native candidates for the Covenanted Service in India as well as in England is altogether inadmissible. The Government of your predecessor were unanimously of opinion that this view is correct, and I cannot better express my own conclusion than by quoting the words of their Despatch :—* "The true principle on which the Commission has very strongly insisted is, that the conditions of the open competitive examination should be framed with the object of securing candidates trained in the highest and best form of English education. If under such conditions, Native candidates succeed, they will then, as Lord Macaulay said, 'enter the Service in the best and most honourable way.' The establishment of simultaneous competitive examinations in India and in England would sacrifice the principle we have stated. It would be entirely foreign to the intentions of the framers of the competitive system, and be open to grave practical objections. We, therefore, fully agree with the Commission in deprecating the entertainment of any such proposal."

* Paragraph 18.

There is also another objection to the holding in India of a simultaneous examination for the Covenanted Service which is scarcely less forcible. To attract English youths of suitable education and intellectual promise to the Covenanted Service in India, it is necessary to offer greater inducements in salary, pension, and furlough than would be requisite were the duties to be performed in their own country or under less unfavourable conditions of climate. To compensate successful Native candidates for the inconvenience of presenting themselves at the examination in England, and to avoid an invidious distinction, similar advantages are allowed to them. But it would impose an unnecessary, and, therefore, unjustifiable, burden on the revenues of India, to provide larger emoluments or furlough privileges than are sufficient to attract Natives of high education and ability to an examination for the Public Service in India. This consideration has constantly been kept in view by the Government of India. As education in that country has from time to time qualified, more extensively, Natives to take part in the administration, European agency has been curtailed, and the field for the employment of Natives has been extended. At the same time the Statute of 1870 has put it in the power of the Government to secure the services of Natives who have given proof of eminent capacity, for employment in any of the offices reserved by the Statute of 1861.

26. With regard to the limits of age within which candidates should be allowed to compete for the Indian Civil Service, I am glad to be able to inform your Excellency in Council that, after a most careful consideration of the subject and after consulting the Civil Service Commissioners, I am prepared to adopt the recommendation of the Public Service Commission, supported as it is by the concurrence of your predecessor in Council. The limits of age will accordingly be raised, the maximum limit to 23 and the minimum limit to 21, which I agree with the Civil Service Commissioners in thinking preferable to the lower limit of 19 suggested by the Public Service Commission. In both cases the age of the candidate will be taken as it stands on the first day of the month in which the competitive examination commences; and the successful candidates will be required to arrive in India before the 31st of December of the

year following that in which the examination takes place. As to the date at which this change may properly be carried into effect, and as to the various alterations of existing arrangements which it will involve, I am now in communication with the Civil Service Commissioners.

27. I proceed to notice the subjects referred to in paragraphs 21 to 34 of the Despatch of the Government of India, relating for the most part to the organization of the Provincial Services. Some of the more important questions connected with this subject have been already noticed in the earlier part of the present Despatch. I generally concur in your proposals, and there are only a few points on which it is now necessary for me to offer observations.

28. The recruitment for the Provincial Service will be made in each Province under rules framed by the Provincial Government, with the sanction of the Government of India. "The rules" (in the words of your predecessor's Despatch) "while making due provision for indispensable educational attainments, must be such as are adapted, on the one hand, to obtain, for each province thoroughly efficient candidates, and, on the other hand, to secure the due representation in the Public Service of the different classes of the community."

29. The Commission has recommended, and the same view has been taken by the Government of your predecessor, that all natural-born subjects of Her Majesty resident in the Provinces and fulfilling certain conditions, shall be eligible for admission to the Provincial Service. This recommendation is based, the Commission says, * "on the cardinal principle, proceeded with throughout, of equality of treatment for all classes of Her Majesty's subjects."

* Paragraph 84.

30. Under the orders which were passed by the Government of Lord Lytton in 1879, with the approval of the Secretary of State, and which are still in force, no person other than a Native of India, as defined in the Statute of 1870, can be appointed to any office in the Executive or Judicial Service, carrying a salary of 200 rupees a month and upwards, without the previous sanction of the Governor General in Council, or (in Madras and Bombay) of the Secretary of State. How completely these orders have been carried out is shown by the facts given in paragraph 53 of the Commission's Report, and noticed in paragraph 24 of this Despatch. Out of a total number of 2,588 persons employed in the higher grades of the Executive and Judicial Branches of the Uncovenanted Service throughout India, there were only 35 Europeans or Eurasians who were not domiciled in India at the time of their appointment. Only 2 of these have been appointed since the orders of 1879, and 23 out of the 35 held offices in Lower Bengal. The total number of Europeans and Eurasians domiciled in India thus employed was 104. Practically, therefore, although these branches of the Service are open, under certain conditions, to all classes of Her Majesty's subjects, they are now manned almost entirely by Natives of India.

31. The primary object with which the Commission was appointed was to extend the employment of Natives of India, and, accepting that object as a proper one, I am unable to agree to the recommendation that the rules of 1879 should be wholly cancelled. The present Uncovenanted Service, in its Executive and Judicial branches, is, as I have shown, essentially a Native Service; and the Provincial Service ought, in my opinion, to retain the same character. If it should hereafter be found by experience that the orders which now bar the entry of Europeans into the Uncovenanted Service are not altogether applicable to the constitution of the Provincial Services, it will be open to your Excellency's Government to reconsider them.

32. I approve the proposal that the Government of India should reserve the power of making, in very special cases and under prescribed conditions, direct appointments, whether of Natives or Europeans, to offices in the higher grades of the Provincial Service; † and that, in the case of the Judicial branch, the exercise of this power should be confined to barristers, advocates, or pleaders of an Indian High or Chief Court of not less than ten years' standing, and possessing a thorough knowledge of the vernacular language of the province. I entirely agree with the Commission ‡ that when it is considered necessary to recruit Europeans for the Provincial Service otherwise than under the published rules, the recruitment should be made in Europe and by the Secretary of State. This will be in accordance with the established policy of the Government, and its soundness is not open to question.

† Despatch, paragraph 26. Report, paragraph 82.

‡ Report, paragraph 84.

33. The offices now filled by the lower grades of Uncovenanted Officers will, under the scheme of the Commission, § be formed into a Subordinate Civil Service. The precise point at which the line is drawn between the Provincial and Subordinate Services will be fixed in each case by the Provincial

§ Despatch, paragraph 21. Report, paragraph 81.

Government, and will probably vary in different Provinces. Promotion from the Subordinate to the Provincial Service may be made as a reward for conspicuous merit. I approve these proposals. As the Commission has pointed out,* their acceptance will render it necessary to make a careful revision in each Province of the rules for the recruitment of the Subordinate Service.

* Paragraph 82.

34. A strong opinion has been expressed by the Commmission, † that no useful comparison can be made between the conditions of service suitable in the case of officers recruited in England and officers recruited in India, respectively, and that the grades of pay, of appointments, and the rules regarding leave and pensions in the Provincial Service, should be fixed on independent grounds and without any special relation to those of the Covenanted Service. This view has my approval. In the words of the Report, "The simple principle which the Commission would adopt is to adjust the conditions of the Provincial Service by the consideration of the terms which are necessary to secure locally in India the desired qualifications. The rate of pay would thus depend on the place of recruitment and the Service to which the officer belongs independently altogether of nationality." The distinction to which the Commission here refers is that drawn by the existing rules, under which a Native of India holding an office ordinarily reserved for the Covenanted Civil Service receives only two-thirds of the pay which he would have received if he were a member of that Service; he receives a smaller pension, and is subject to less favourable leave rules.

† Paragraph 85.

35. The Commission has advised ‡ that, for the high appointments made directly by Her Majesty, which are very few in number and stand upon a footing of their own, the pay and the rules governing leave and pension should be the same for all incumbents, whether belonging to the Covenanted or the Provincial Service, or appointed from outside the service of Government. Among the principal officers of this class are the Judges of the High Courts. It is already provided by the existing rules that, in their case no distinction shall be made in regard to pay, but it is otherwise in regard to leave and pension. The distinctions, which were finally laid down in Lord Kimberley's Despatch No. 18, dated 27th May 1886, were based on the ground that the leave and pension allowances of Natives of India must be regulated on Indian rather than on English considerations; and your predecessor's Government § did not think it desirable to re-open the question. Under the circumstances which existed when the orders of 1886 were passed, the conclusions arrived at were, in my opinion, correct. But when the changes of system now proposed are carried out, the case in regard to the High Court Judges who are Natives of India will be altered, and I think that it will no longer be right that any distinction should be maintained. In the Covenanted Service the rules regarding pay, leave, and pension will be the same for all members whether they are European or Native. In the Provincial Service they will also be the same for all the members. When, in both these branches of the administration all distinctions in the conditions of service based on difference of nationality are abolished, it will be impossible to apply another principle in theHigh Courts and to say that Judges who are Natives of India shall, because of their nationality, be treated differently from Judges who are Europeans. On other grounds, at the present time, when we are recognising the claim of Natives to a large share in the higher offices of the Publice Service and are endeavouring, as far as possible, to get rid of distinctions between them and Englishmen, I am glad to be able to remove what I am aware is a cause of dissatisfaction to some of the most distinguished Natives of India who are in the service of Her Majesty. I sanction, therefore, the recommendations of the Commission on this subject.

‡ Paragraph 85.

§ Paragraph 32.

36. In this Despatch I have, for the sake of convenience, made frequent use of the term "Covenanted Service." The Commission recommends that, when the Provincial Service has been constituted, the two Services shall be called the "Imperial" and the "Provincial," respectively. The Government of India approve of the proposed designations, and agree to their being substituted for the "Covenanted" and "Uncovenanted" at present in common use. The term "Imperial" does not commend itself to me; and I prefer that the Service now known as the "Covenanted" should be designated "the Civil Service of India," and that each branch of the "Provincial" Service should be designated by the name of the particular Province to which it belongs, *e.g.*, "the Madras Civil Service," "the Bombay Civil Service," "the Punjab Civil Service" and so forth. When this rule comes into operation, the use of the terms "Covenanted" and "Uncovenanted" must be entirely discontinued.

37. I have now stated to you my views on all the questions referred to in the Report of the Commission, or in the Despatch of your predecessor's Government, which appear to me

at present to demand notice. As observed in the last paragraph of that Despatch, the Government of India have as yet communicated to me their conclusions on that part only of the proposals of the Commission which deals with the two great Services through which the Executive and Judicial administration is carried on. There remain the Special Departments* in respect of which the Commission has made separate recommendations. As to these I shall be glad to learn the matured conclusions of your Excellency's Government and of the Local Governments which, in regard to many Departments concerned, you will doubtless think it necessary to consult fully.

* Accounts, Archæology, Customs, Education, Forests, Geological Survey, Jails, Mint, Opium, Pilot Service, Police, Post Office, Public Works, Registration, Salt, Surveys, Telegraphs.

No. 3. From the Government of India to the Secretary of State for India,—No. 11, dated 4th March 1890.

We have the honour to forward, for Your Lordship's information, copies of the letters which we have issued to the different Local Governments and Administrations with the object of carrying into effect the decision conveyed in your Public Despatch No. 104, dated 12th September 1889, upon the recommendations of the Public Service Commission so far as they relate to the Executive and Judicial branches of the administration.

2. We desire to ask for a consideration of Your Lordship's orders upon one point. We are convinced that the designation of each branch of the Provincial Service by the name of the particular province to which it belongs, *e.g.*, Madras Civil Service, will lead to confusion, and we strongly recommend that the term "Provincial" be used in describing these services, *e.g.*, Madras Provincial Service. This designation will have the threefold advantage of obviating the use of the term Uncovenanted Service, of clearly denoting the character of the service to which it applies, and of avoiding the inconvenience which must attach to the transfer of the terms "Madras Civil Service," etc., from the services to which they have hitherto applied to services entirely distinct from them. We accept the proposal that the term "Imperial," proposed by the Public Service Commission, should not be adopted, and that the title "Indian Civil Service" should be applied to the service hitherto known as the Covenanted Civil Service. We trust that Your Lordship will accept these suggestions, which seem to us to provide, in the manner least open to objection, for the discontinuance of the terms Covenanted and Uncovenanted.

No. 4. From the Secretary of State for India, to the Government of India,—No. 62 (Public), dated the 22nd May 1890.

I have considered in Council the letter of your Government No. 11, dated 4th March last, forwarding copies of the letters which you have issued to the different Local Governments, with the object of carrying into effect the decision conveyed in my Despatch of the 12th of September last, up on the recommendations of the Public Service Commission so far as they relate to the Executive and Judicial branches of the administration.

2. I await with interest the opinions of the Local Governments on the various questions referred to them. I observe that in the letter to the Government of Madras (paragraph 6) the term "Natives of India" is, no doubt, through inadvertence, used instead of "Members of the Provincial Service."

3. I am unable to accept your Excellency's suggestions as to the mode of designating the various branches of the Service, and I prefer the designations given in the 36th paragraph of my Despatch of the 12th of September last. It is not, in my opinion, advisable to introduce the word "Provincial," because its use may be deemed to emphasize the distinction between the services somewhat in the same undesirable ways as, up to the present time, it has been marked by the use of the term "Uncovenanted."

No. 5. From the Secretary of State for India, to the Government of India,—No. 30 (Public), dated the 24th March 1892.

I have considered in Council the letter of your Government No. 9, dated 10th ultimo, forwarding a copy of a draft Resolution which it is proposed to issue, dealing with the recommendations made by the Public Service Commission so far as they relate to the higher branches of the Executive and Judicial Services throughout India.

2. Your decision as to the appointments in each Province, which are for the present to be entered in the list as open to the Provincial Service, has my approval. The scheme in all its details has evidently been worked out with great care, ability and completeness, and I sanction the rates of pay which you recommend.

3. I concur entirely in the conclusions at which Your Excellency in Council has arrived; but it appears to be unnecessary to recapitulate the various points which have been from time to time under discussion, and on the whole I think it advisible that the Resolution should be confined to a statement of your final decision and orders.

No. 6.

Extract from the Proceedings of the Government of India, in the Home Department (Public)— No. $\frac{9 \text{ Public}}{1342\text{-}1352}$, under date Simla, the 21st April 1892.

The Report of the Public Service Commission and the opinions expressed thereon by Local Governments and Administrations.

The Despatch of the Government of India to the Secretary of State, No. 58, dated the 9th October 1888, reviewing and stating its conclusions on the principal questions discussed in the Report.

The Despatch of the Secretary of State, No. 104, dated the 12th September 1889, communicating His Lordship's decision upon the recomendations made in the Report and by the Government of India so far as they deal with the higher branches of Executive and Judicial work throughout India.

Letters to Local Governments and Administrations, dated the 14th February 1890, forwarding a copy of the Secretary of State's Despatch, and making suggestions as to the manner in which its decisions may best be given effect to.

Replies from the Local Governments and Administrations consulted.

The Despatch of the Government of India to the Secretary of State, No. 9, dated the 10th February 1892, stating the conclusions arrived at by the Governor General in Council on the subject.

The reply of the Secretary of State No. 30, dated the 24th March 1892, concurring in the conclusions set forth by the Government of India.

RESOLUTION.

In his Despatch No. 104, dated 12th September 1889, the Secretary of State for India in Council announced the decision at which he had arrived on the recommendations made in the Report of the Commission appointed in 1886 to consider the question of the admission of Natives of India to higher and more extensive employment in the Civil Administration of the country.

2. The Secretary of State's Despatch having been communicated to the Local Governments and Administrations, for consideration, and their replies having been received, the Governor General in Council is now in a position to pass orders upon the most important point calling for determination.

3. The following appointments in each province shall, for the present, be entered in the list as open to the Provincial Service :—

Madras.

Heads of Districts	2
District Judges	4
Sub-Collectors, Head Assistants and Assistant Collectors	7
Secretary to the Board of Revenue	1
Under-Secretary to Government	1
TOTAL	15

Bombay.

Heads of Districts	2
Judges	2
Joint Judge	1
Assistant Judges	2
Assistant Collectors	9
Talukdar Settlement Officer	1
Registrar of the High Court	1
TOTAL	18

Bengal.

Heads of Districts	4
District Judges	6
Joint and Assistant Magistrates	8
Secretary to the Board of Revenue	1
Under-Secretary to Government	1
TOTAL	20

North-Western Provinces and Oudh.

Heads of Dristicts	2
District and Sessions Judges	4
Joint and Assistant Magistrates	9
Junior Secretary, Board of Revenue	1
Assistant Settlement Officers	2
Assistant Director of Land Records and Agriculture	1
Small Cause Court Judges, Allahabad and Lucknow	2
TOTAL	21

Punjab.

Heads of Districts	2
Divisional Judges	2
Ditrict Judges	2
Assistant Commissioners	3
Junior Secretary to Financial Commissioner	1
Settlement Collectorships	2
TOTAL	12

4. Before passing orders as to the Central Provinces, His Excellency will await a further expression of Mr. MacDonnell's views on the question. And the Government of India is constrained to agree in the opinion expressed by successive Chief Commissioners of Assam, that that province is not yet ripe for the admission of Provincial officers to any of the reserved posts. It appears that the Provincial Service in Assam is largely recruited from Bengal, and that it would be almost if not quite impossible, in view of the progress in education and the administrative aptitudes of the people, to find within any time which can now be foreseen an indigenous officer who could be utilized in one of these posts. Assam must, therefore, like Burma, for the present, remain outside the scope of the present orders.

5. Dealing in the first instance only with the superior appointments, and reserving for the next paragraph the case of Joint and Assistant Magistrates and Collectors, the following are the rates of pay for officers of the Provincial Service in each grade which the Secretary of State has sanctioned :—

Madras.

JUDICIAL.	R	EXECUTIVE.	R
Judge, 1st Grade	1,600	Collector, 1st Grade	1,600
Judge, 2nd Grade	1,200	Collector, 2nd Grade	1,2 0
		Secretary to the Board of Revenue	1,000
		Under-Secretary to Government	700

Bombay.

Judge, 1st Grade	1,600	Magistrate and Collector, 1st Grade	1,600
Judge, 2nd Grade	1,200	Magistrate and Collector, 2nd Grade	1,200
Judge, 3rd Grade	1,000	Talukdari Settlement Officer	800
Joint Judge	800		
1st Grade Assistant Judge	600		
2nd Grade Assistant Judge	500		
Registrar, High Court	1,200		

Bengal.

District and Sessions Judge, 1st Grade	1,600	Magistrate and Collector, 1st Grade	1,600
District and Sessions Judge, 2nd Grade	1,200	Magistrate and Collector, 2nd Grade	1,200
		Magistrate and Collector, 3rd Grade	1,000
		Secretary to the Board of Revenue	1,200
		Under-Secretary to Government	700

North-Western Provinces and Oudh.

District and Sessions Judge, 1st Grade	2,000	Magistrate and Collector, 1st Grade	1,600
District and Sessions Judge, 2nd Grade	1,600	Magistrate and Collector, 2nd Grade	1,200
District and Sessions Judge, 3rd Grade	1,200	Magistrate and Collector, 3rd Grade	1,000
District and Sessions Judge, 4th Grade,	1,000	Junior Secretary, Board of Revenue, grade pay *plus*	150
Small Cause Court Judge	800—1,000	Assistant Settlement Officer, 1st Grade	700
		Assistant Settlement Officer, 2nd Grade	500
		Assistant Director, Department of Land Records and Agriculture	400—500

Punjab.

JUDICIAL.	R	EXECUTIVE.	
Divisional Judge, 1st Grade	1,600	Deputy Commissioner, 1st Grade	1,600
Divisional Judge, 2nd Grade	1,400	Deputy Commissioner, 2nd Grade	1,200
Divisional Judge, 3rd Grade	1,200	Deputy Commissioner, 3rd Grade	1,000
District Judge, 1st Grade	1,000	Settlement Collector, 1st Grade	1,000
District Judge, 2nd Grade	800	Settlement Collector, 2nd Grade	800
		Junior Secretary to Financial Commissioner	600

These rates of pay will of course be liable to alteration at any time should the interests of the Public Service require it.

6. The Government of India have determined, with the approval of the Secretary of State, to amalgamate the scheduled posts on the Executive side subordinate to the headship of a district, with the existing grades of Deputy Magistrates and Collectors.

These posts are the following :—

Madras	7
Bombay	9
Bengal	8
North-Western Provinces and Oudh	9
Punjab	3

In all these Provinces the majority of them are at present held by Statutory Civilians appointed under the Rules of 1879, while in some they are still occupied by officers of the Civil Service of India or Commissions appointed before 1882. Until these Statutory Civil Servants are provided for, either by promotion or by amalgamation with the new Provincial Service, the posts which they hold cannot be thrown into the general *cadre* of the latter Service; but when that happens, and when the prior claims of officers of the Civil Service of India and Commissions have been satisfied, the posts now specified should be distributed as follows among the existing grades of Deputy Magistrates and Collectors and Extra Assistant Commissioners :—

Madras.

	R
2 posts in the 1st Grade on (corresponding to Sub-Collector.)	700
4 posts in 3rd Grade on (corresponding to Head Assistant.)	500
1 post in the 5th Grade on (corresponding to passed Assistant.)	300

Bengal.

2 posts in the 3rd Grade on (corresponding to Joint Magistrate, 1st Grade.)	600
2 posts in the 4th Grade on (corresponding to Joint Magistrate, 2nd Grade.)	500
2 posts in the 5th Grade on	400
2 posts in the 6th Grade on (corresponding to Assistant Magistrates on R500 and R450, respectively.)	300

Bombay.

3 posts in the 3rd Grade on (corresponding to First Assistant.)	600
4 posts in the 4th Grade on (corresponding to Second Assistant.)	500
2 posts in the 6th Grade on (corresponding to passed Assistant.)	300

North-Western Provinces and Oudh.

	R
4 posts in the 5th Grade on (corresponding to Joint Magistrates and Assistant Commissioners, 1st Grade.)	600
5 posts in the 3rd Grade on (corresponding to Joint Magistrates and Assistant Commissioners, 2nd Grade.)	400

Punjab.

1 post of Extra Assistant Commissioner, 3rd Grade, on (corresponding to Assistant Commissioner, 1st Grade.)	600
1 post of Extra Assistant Commissioner, 5th Grade, on (corresponding to Assistant Commissioner, 2nd Grade.)	400
1 post of Extra Assistant Commissioner, 6th Grade, on (corresponding to Assistant Commissioner, 3rd Grade.)	300

7. The addition of these posts to the *cadre* of the Provincial Service will necessitate recruitment in the lower grades to supply the place of those who will be moved up to fill them; and this can take place at once where the condition of the Service demands it. Those Statutory Civilians who were appointed in the various provinces in 1889 and 1890, on the understanding that they would be transferred to the Provincial Service when it was constituted, should now be gazetted to their appropriate places in that Service. In accordance with the decision of the Secretary of State they will, like other Statutory Civil Servants who join the Provincial Service, be understood to have a preferential claim for promotion to the Scheduled posts (subject of course to the special claims of members of the Civil Service of India and officers of the Commissions appointed before 1882) over the other members of that Service.

8. The Statutory rules of 1879 now require the approval and sanction of the Governor General in Council to all nominations made by Local Governments. These nominations are at present ordinarily to offices in the subordinate ranks of the Covenanted Civil Service. The subordinate posts included in the list being thrown open to the Provincial Service, the Local Government will no longer require the sanction of the Government of India to appointments to them. His Excellency in Council, however, thinks that for the present it will be necessary to retain the rule requiring such sanction in the case of appointments (whether permanent or officiating for a period exceeding three months) under the Statute to headships of districts and District Judgeships in Madras, Bombay, Bengal and the North-Western Provinces and Oudh, and to headships of districts, Divisional Judgeships and Settlement Collectorships in the Punjab. He is willing that in the case of all other Scheduled appointments the Local Government should nominate without reference to him. He is also willing that in the case of officiating appointments of Provincial officers for short vacancies not exceeding three months at a time, to headships of districts and the other posts mentioned above, such reference should be dispensed with. Such short vacancies will afford the means of testing an officer's fitness for more extended employment in those posts: and in reporting for sanction nominations for longer periods it should always be stated whether an officer has been tried in this manner, and with what result. As a general rule the Governor General in Council thinks that it will be prudent to take every suitable opportunity of thus ascertaining an officer's capacity before proposing to employ him permanently in these important and responsible posts. His Excellency in Council also desires to correct the impression which appears to have prevailed in some quarters, that it will be necessary for a Provincial Civil Servant to go through the whole succession of subordinate grades in the Executive or Judicial Service before he can be selected for a Scheduled post. On the contrary, it will always be desirable to select persons for higher executive office who, while they have given proof of distinguished ability by sufficiently long service, are still comparatively young, and possess that bodily activity which is a *sine quâ non* for such employment. Every appointment of the kind must be based wholly upon fitness and merit, seniority being regarded only when the claims of two or more officers who are equally fit come into competition. Nor does the Governor General in Council intend that selection should be less absolute, or more restricted to the higher grades of the Provincial Service, in the case of Judicial appointments. It has been too much the custom to regard promotion from grade to grade of the Subordinate Executive and Judicial Services as a mere matter of seniority; and it should be made publicly known that every Government and Administration reserves liberty to make promotions in these grades without regard to seniority.

9. In Appendix A attached to this Resolution will be found an example of the form in which the Government of India think that the list of appointments open to the Provincial Service should be published by the Local Government. Each Local Government should frame and issue its list accordingly. In the Quarterly Provincial Civil List this form should, with the omission of the last paragraph, be prefixed to that division of the list which exhibits the appointments held by members of the Provincial Service. In lieu of the last paragraph a note should be entered in the list of subordinate offices, against each grade to which additions have been made, referring to the notification, and stating that "To this grade appointments have been added as representing the same number of appointments of , now treated as open to the Civil Service."

10. The Government of India recently directed that each Statutory Civilian appointed before the close of 1889 might be called upon to choose whether he would retain his present position, or be transferred to the Provincial Service with an acknowledgment of his preferential claims to promotion to scheduled appointments before other members of the Provincial Service. As regards Bengal, Madras, the North-West Provinces and Central Provinces, only one Statutory Civilian has elected to enter the Provincial Service. In Bombay and the Punjab they have not yet made their election. But as it is not improbable that some obscurity may still remain in the minds of the officers who were called upon to make their election in regard to the advantages and disadvantages to them of the transfer, a further opportunity ought to be afforded these gentlemen of reconsidering the decision at which they have provisionally arrived. The Governor General in Council will address Local Governments and Administrations again on this subject in a separate communication.

11. The present Uncovenanted Service Leave and Pension Rules, or, in other words, the provisions of Part III, Chapter XIV, of the Civil Service Regulations, regarding leave, and of Part IV, Chapters XV to XIX, regarding pension, will be applied to the Provincial Service. But the present Statutory Civilians, whether they enter that Service or not, will continue to be governed by the Leave and Pension Rules now applicable to them.

12. After considering the suggestions made by the Local Governments and Administrations, the Governor General in Council has prepared a revised draft of Rules for the appointment of Natives of India to offices reserved under the Statute of 1861, which will be submitted in due course for the sanction of the Secretary of State for India in Council, and if approved by him will be published for general information.

13. As regards the rules for admission to the Provincial Service in each Province, and the precise place where the line should be drawn between the Provincial and Subordinate Services, the Government of India propose to address the Local Governments and Administrations separately, as there are great differences in the circumstances of the several Provinces and the classes from which the local officials must be drawn.

ORDER.—Ordered, that this Resolution be communicated to Local Governments and Administrations, and that it be published in the *Gazette of India* for general information.

(True Extract.)

C. J. LYALL,
Secretary to the Government of India.

APPENDIX A.

Referred to in paragraph 9.

With the previous sanction of the Governor General in Council, the Governor in Council is pleased to notify that the following appointments in the Madras Presidency, to fill which members of the Civil Service of India have hitherto been recruited, shall be appointments to which members of the Madras Civil Service can properly be appointed, subject to the rules for the time being in force under 33 Vict., cap. 3, section 6 :—

4 posts of District and Sessions Judge.
2 posts of Collector and Magistrate of a District.
1 post of Secretary to the Board of Revenue.
1 post of Under-Secretary to Government.

2. When these posts are held by members of the Madras Civil Service, their pay shall be as follows :—

	R
District and Sessions Judge—	
if in the 1st grade	1,600
if in the 2nd grade	1,200
Collector and Magistrate—	
if in the 1st grade	1,600
if in the 2nd grade	1,200
Secretary to the Board of Revenue	1,000
Under-Secretary to Government	700

3. In addition to these appointments the following appointments, for which recruitment has hitherto been made in the Civil Service of India, have been thrown open to the Madras Civil Service and added to the existing grades of that Service :—

			R
2 posts of Sub-Collector and Joint Magistrate.	converted into	2 posts of Deputy Magistrate and Collector, 1st grade, on	700
4 posts of Head Assistant to the Collector and Magistrate.		4 posts of Deputy Magistrate and Collector, 3rd grade, on	500
1 post of Assistant Collector and Magistrate.		1 post of Deputy Magistrate and Collector, 5th grade, on	300

From the Government of India, to the Secretary of State for India,—No. 39, dated the 7th June 1892. No. 7.

We have the honour to acknowledge receipt of Your Lordship's Despatch No. 30, dated the 24th March last, communicating your approval of the conclusions embodied in the draft Resolution dealing with the recommendations made by the Public Service Commission, so far as they relate to the higher branches of the Executive and Judicial Services throughout India, of which a copy was forwarded with your Despatch No. 9, dated the 10th February last. In accordance with the suggestion contained in the last paragraph of your Despatch, we have recast the draft

Resolution so as to remove from it those passages which recapitulated the various points which have, from time to time, been under discussion or were of an argumentative character, and to confine it to a statement of the final decision and orders upon the principal matters of public interest involved, and we enclose a copy in the form in which it was published in the *Gazette of India* on the 23rd April last.

2. Several of the passages omitted from the published Resolution contained instructions and explanations which it was necessary to communicate to Local Governments and Administrations, and we forward copies of the letters addressed to those authorities with this object as well as in regard to the rules relating to the recruitment of the Provincial Service in each Province. We would invite Your Lordship's attention to paragraph 6 of the letter to the Government of the Punjab, dated the 28th May, and request sanction to the re-organization of the Provincial Judicial and Executive Services therein referred to, the details of which will be found stated in paragraph 7 of the Punjab Government's letter No. $\frac{320}{S.}$, dated the 8th July 1890, which is among the enclosures of this Despatch. (*vide* pages 33 and 34 below.)

3. We enclose for Your Lordship's information copies of the replies received from Local Governments and Administrations on the various questions referred to them in our letters of the 14th February 1890, copies of which were forwarded to you with our Public Despatch No. 11, dated the 11th March 1890.

4. We have now the honour to submit, for the sanction of Your Lordship in Council, as required by the Statute, a draft of rules framed under section 6 of 33 Vict., cap. 3, for the appointment of Natives of India to offices ordinarily held by members of Her Majesty's Indian Civil Service, to take the place of those sanctioned on the 22nd August 1879. The mention in the rules of the Provincial Civil Service has rendered necessary a separate set of rules for each province to which the Statute applies, but with this exception, the rules are identical for all the Regulation Provinces. If Your Lordship sanctions them they will be applied, like those of which they will take the place, to the non-Regulation Provinces (except Burma and Assam) by executive order.

Draft Rules framed by the Government of India under section 6 of 33 Vict., cap. 3, for the appointment of Natives of India to offices ordinarily held by members of Her Majesty's Indian Civil Service.

MADRAS.

In exercise of the power conferred by the Statute 33 Vict., cap. 3, section 6, and in supersession of the rules published in Notification No. 1534, dated the 22nd August 1879, the Governor General in Council has been pleased to make, for the territories administered by the Governor of Madras in Council, the following rules, which have been sanctioned by the Secretary of State in Council with the concurrence of a majority of the members present:—

1. The Local Government may nominate any member of the Madras Civil Service, who is a native of India and considered to be possessed of proved merit and ability, for appointment to any of the offices, places and employments in the Madras Presidency which have, for the time being, been declared by Notification issued by the Local Government in the official Gazette to be offices, places, and employments to which members of the Madras Civil Service can properly be appointed. If such office, place, or employment be that of District and Sessions Judge or chief administrative officer of a district, or any administrative office of higher rank, and the vacancy to be filled is permanent or temporary for a longer period than three months, the nomination shall be made to the Governor General in Council, and the said Governor General in Council, if he approves of the nomination, shall make the appointment. In all other cases the appointment shall be made by the Local Government and reported to the Government of India.

2. Notwithstanding anything contained in Rule 1, it shall be competent for the Local Government, for special reasons and with the previous sanction of the Governor General in Council, to appoint at any time any native of India of proved merit and ability to any of the offices, places and employments declared for the time being to be opened to the Madras Civil Service, provided that the number of the offices, places and employments which are at any one time held by persons appointed to them under this rule shall, under no circumstances, exceed one-fourth of the offices, places and employments declared for the time being to be open to the members of the Madras Civil Service.

3. The Local Government may declare any appointment made by it under Rule 1 to be made on probation, and may prescribe the conditions with which the person appointed must

comply before he can be confirmed, and the period within which it shall be necessary for him to comply with them; and the Governor General in Council may similarly make any order requiring probation before confirmation in the case of any appointment which, under the said rule, must be made by the said Governor General in Council.

4. The Local Government may at any time suspend, or with the previous sanction of the Governor General in Council remove, any person appointed under these rules: provided that no such person shall be dismissed without a formal inquiry if he demands that one shall be made.

BOMBAY.

In exercise of the power conferred by the Statute 33 Vict., cap. 3, section 6, and in supersession of the rules published in Notification No. 1534, dated the 22nd August 1879, the Governor General in Council has been pleased to make, for the territories administered by the Governor of Bombay in Council, the following rules, which have been sanctioned by the Secretary of State in Council with the concurrence of a majority of the members present: —

1. The Local Government may nominate any member of the Bombay Civil Service, who is a native of India and considered to be possessed of proved merit and ability, for appointment to any of the offices, places and employments in the Bombay Presidency which have, for the time being, been declared by Notification issued by the Local Government in the official Gazette to be offices, places and employments to which members of the Bombay Civil Service can properly be appointed. If such office, place or employment be that of District and Sessions Judge or chief administrative officer of a district, or any administrative office of higher rank, and the vacancy to be filled is permanent or temporary for a longer period than three months, the momination shall be made to the Governor General in Council, and the said Governor General in Council, if he approves of the nomination, shall make the appointment. In all other cases the appointment shall be made by the Local Government and reported to the Government of India.

2. Notwithstanding anything contained in Rule 1, it shall be competent for the Local Government, for special reasons, and with the previous sanction of the Governor General in Council, to appoint at any time any native of India of proved merit and ability to any of the offices, places and employments declared for the time being to be open to the Bombay Civil Service, provided that the number of the offices, places and employments which are at any one time held by persons appointed to them under this rule shall, under no circumstances, exceed one-fourth of the offices, places and employments declared for the time being to be open to the members of the Bombay Civil Service.

3. The Local Government may declare any appointment made by it under Rule 1 to be made on probation, and may prescribe the conditions with which the person appointed must comply before he can be confirmed, and the period within which it shall be necessary for him to comply with them; and the Governor General in Council may similarly make any order requiring probation before confirmation in the case of any appointment which, under the said rule, must be made by the said Governor General in Council.

4. The Local Government may at any time suspend, or with the previous sanction of the Governor General in Council remove, any person appointed under these rules: provided that no such person shall be dismissed without a formal inquiry if he demands that one shall be made.

LOWER PROVINCES OF BENGAL.

In exercise of the power conferred by the Statute 33 Vict., cap. 3, section 6, and in supersession of the rules published in Notification No. 1534, dated the 22nd August 1879, the Governor General in Council has been pleased to make, for the territories administered by the Lieutenant-Governor of Bengal, the following rules, which have been sanctioned by the Secretary of State in Council with the concurrence of a majority of the members present:—

1. The Local Government may nominate any member of the Bengal Civil Service, who is a native of India and considered to be possessed of proved merit and ability, for appointment to any of the offices, places and employments in the Lower Provinces of Bengal, which have for the time being, been declared by Notification issued by the Local Government in the official Gazette to the offices, places and employments to which members of the Bengal Civil Service can properly be appointed. If such office, place or employment be that of District and Sessions Judge or chief administrative officer of a district, or any administrative office, of higher rank, and the vacancy to be filled is permanent or temporary for a longer period than three months

the nomination shall be made to the Governor General in Council, and the said Governor General in Council, if he approves of the nomination, shall make the appointment. In all other cases the appointment shall be made by the Local Government and reported to the Government of India.

2. Notwithstanding anything contained in Rule 1, it shall be competent for the Local Government, for special reasons, and with the previous sanction of the Governor General in Council, to appoint at any time any native of India of proved merit and ability to any of the offices, places and employments declared for the time being to be open to the Bengal Civil Service, provided that the number of the offices, places and employments which are at any one time held by persons appointed to them under this rule shall, under no circumstances, exceed one-fourth of the offices, places and employments declared for the time being to be open to the members of the Bengal Civil Service.

3. The Local Government may declare an appointment made by it under Rule 1 to be made on probation, and may prescribe the conditions with which the person appointed must comply before he can be confirmed, and the period within which it shall be necessary for him to comply with them; and the Governor General in Council may similarly make any order requiring probation before confirmation in the case of any appointment which, under the said rule, must be made by the said Governor General in Council.

4. The Local Government may at any time suspend, or with the previous sanction of the Governor General in Council remove, any person appointed under these rules: provided that no such person shall be dismissed without a formal inquiry if he demands that one shall be made.

North-Western Provinces of Bengal.

In exercise of the power conferred by the Statute 33 Vict., cap. 3, section 6, and in supersession of the rules published in Notification No. 1534, dated the 22nd August 1879, the Governor General in Council has been pleased to make, for the territories administered by the Lieutenant-Governor of the North-Western Provinces, the following rules, which have been sanctioned by the Secretary of State in Council with the concurrence of a majority of the members present:—

1. The Local Government may nominate any member of the North-Western Provinces Civil Service, who is a native of India and considered to be possessed of proved merit and ability, for appointment to any of the offices, places and employments in the North-Western Provinces which have for the time being, been declared by Notification issued by the Local Government in the official Gazette to be offices, places and employments to which members of the North-Western Provinces Civil Service can properly be appointed. If such office, place or employment be that of District and Sessions Judge or chief administrative officer of a district, or any administrative office of higher rank, and the vacancy to be filled is permanent or temporary for a longer period than three months, the nomination shall be made to the Governor General in Council, and the said Governor General in Council, if he approves of the nomination, shall make the appointment. In all other cases the appointment shall be made by the Local Government and reported to the Government of India.

2. Notwithstanding anything contained in Rule 1, it shall be competent for the Local Government, for special reasons and with the previous sanction of the Governor General in Council, to appoint at any time any native of India of proved merit and ability to any of the offices, places and employments declared for the time being to be open to the North-Western Provinces Civil Service, provided that the number of the offices, places and employments which are at any one time held by persons appointed to them under this rule shall, under no circumstances, exceed one-fourth of the offices, places and employments declared for the time being to be open to the members of the North-Western Provinces Civil Service.

3. The Local Government may declare any appointment made by it under Rule 1 to be made on probation, and may prescribe the conditions with which the person appointed must comply before he can be confirmed, and the period within which it shall be necessary for him to comply with them; and the Governor General in Council may similarly make any order requiring probation before confirmation in the case of any appointment which, under the said rule, must be made by the said Governor General in Council.

4. The Local Government may at any time suspend, or with the previous sanction of the Governor General in Council remove, any person appointed under these rules: provided that no such person shall be dismissed without a formal inquiry if he demands that one shall be made.

From C. J. LYALL, Esq., C.I.E., Secretary to the Government of India, to the Chief Secretary to the Government of the Punjab, —No. 1543, dated the 28th May 1892.

6. The Governor General in Council approves of the re-organization of the Subordinate Judicial and Executive Services proposed in paragraph 7 of Mr. Fanshawe's letter of the 8th July 1890 (which will result in an ultimate saving of R50 a month), and the grant of personal allowances to the officers affected by the change so as to secure them against loss of salary. The change will now be recommended to the Secretary of State, and can be carried out as soon as his sanction is received, any promotions that may be made meanwhile in the higher grades of Extra Judicial Assistants being allotted pay on the new scale.

From H. C. FANSHAWE, Esq., Officiating Chief Secretary to the Government of the Punjab, to the Officiating Secretary to the Government of India,—No. 320-S, dated the 8th July 1890.

7. Passing on to the remarks made in your 12th paragraph regarding the re-arrangement of the grades existing in the present Subordinate Executive and Judicial Services in the Punjab, I am to say that the Lieutenant-Governor agrees that, all things considered, the throwing open of two Divisional and two District Judgeships to the Provincial Service will render it unnecessary to retain the existing 1st grade of Extra Judicial Assistant Commissioners on R1,000 per mensem. The monthly cost of the present grades * of Extra Judicial Assistant Commissioners and of the 1st four grades of Extra Assistant Commissioners is, respectively, R10,800 and R8,800 or R19,600 together. When the 1st grade of Extra Judicial Assistant Commissioners has been abolished, the Lieutenant Governor would propose to adopt the following re-arrangement of the grades, which, however, do not include the additional number of Assistant Commissionerships which it may be necessary temporarily to create for the Statutory Civilians transferred to the Provincial Service. At the same time His Honour would reduce the numbers of the 6th and 7th grades of Extra Assistant Commissioners from 23 and 20 to 22 and 19, respectively, and increase those of the 5th grade from 24 to 25.

* The existing grades are—

2 Extra Judicial Assistant Commissioners on R1,000 per mensem.
2 " " " " " 800 "
2 " " " " " 700 "
3 " " " " " 600 "
8 " " " " " 500 "

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2 Extra Assistant Commissioners on R800 per mensen.
2 " " " " 700 "
3 " " " " 600 "
8 " " " " 500 "
24 " " " " 400 "
23 " " " " 300 "
20 " " " " 250 "

Extra Judicial Assistant Commissioners—	Extra Assistant Commissioners—
2 on R800	2 on R800
3 " ,,700	3 " ,,700
4 " ,,600	4 " ,,600
8 " ,,500	7 " ,,500
Monthly cost R10,100 per mensem.	R9,600 per mensem.

The total monthly cost of the Extra Judicial Assistant Commissioners and the Extra Assistant Commissioners would thus be R41,050 compared with R41,100 as at present. By this arrangement it will be observed that while the existing two appointments in the Judicial line on R1,000 are replaced by one on R700 and one on R600, one 4th grade appointment in the Executive branch on R500 is reduced, and two on R700 and R600, respectively, created in its place, while the lower grades are also slightly improved as explained above, the total number of Extra Assistant Commissioners remaining the same as heretofore. The object of this proposal is to equalise, as far as possible, the value of the appointments in each branch of the administration, and Sir James Lyall trusts that the Government of India will approve of his recommendations in this matter, as he thinks the matter is one of much importance. There is at present a very sore feeling among the Extra Assistant Commissioners who work as Revenue Assistants to Deputy Commissioners or as Assistant Settlement Officers. They are specially selected for this work, in which they are invaluable, but complain that their retention in such employment is an injury to them, as the openings for advancement are much less than in the Judicial line, and the life is rougher. An insistance on further reductons would certainly be much felt by the members of the Provincial Service, who, as at present organized, were prejudicially affected in 1884 at the very time when the prospects of Covenanted Civilians and Military Officers were materially improved *, and who would naturally think that the Government while giving with one hand is taking away with the other. The Lieutenant-Governor therefore considers that at the time when

* *Vide* Punjab Government letter to Government of India, Home Department, No. 2792, dated 25th November 1885.

concessions are being made to the Provincial Service in satisfaction of admitted claims, it would be both ungracious and impolitic to accompany an act of justice with further reductions.

With regard to the manner in which the existing 1st grade of Extra Judicial Assistant Commissioners should be absorbed, His Honour would prefer to effect its abolition as soon as the orders of the Government of India are received, and to grant personal allowances to the officers affected by the change.

While discussing the question of re-arranging the grades and salaries of the Extra Judicial and Extra Assistant Commissioners, there is one further point regarding which the Lieutenant-Governor desires the Government of India to be informed, namely, that if his proposals are accepted regarding the increase to the number of appointments in the 2nd and 3rd grades of Extra Assistant Commissioners, it is his intention to prescribe a definite rule that promotion from the 5th grade to that on R500 will be made, not on account of mere seniority, but in virtue of seniority qualified by selection for efficiency. This rule is already enforced in regard to Judicial appointments, and if the value of those in the Executive line is enhanced, the adoption of a similar procedure is also expedient. Judging by present experience in the Punjab, it is certain that if all officers when confirmed as Extra Assistant Commissioners know that in default of serious misconduct they must rise by seniority to the head of that list, a considerable proportion will sooner or later exhibit a marked decrease in zeal and efficiency and in some cases a deterioration of character in the direction of corruption or profligacy of kinds. This is a natural tendency in an Oriental country, and there are changes going on which are likely to increase instead of diminishing it.

No. 8. From the Secretary to the Government of Bombay, Judicial Department, to the Secretary to the Government of India,—No. 3157, dated the 14th June 1892.

I am directed to forward herewith, for the information of the Government of India, copy of a Despatch, No. 7, dated this day, addressed by this Government to Her Majesty's Principal Secretary of State for India, transmitting copy of a memorial addressed to His Lordship by the Advocate General and other practising European members of the Bombay Bar, stating their objections to the application of any rules that may be passed regarding the Provincial Service, in pursuance of paragraph 32 of His Lordship's Despatch to the Government of India, No. 104, dated the 12th September 1889, to the offices of Presidency Magistrate and Judge of the Presidency Courts of Small Causes. I am also to forward a copy of the memorial.

To Her Majesty's Principal Secretary of State for India in Council, London,—No. 7, dated the 14th June 1892.

My Lord,—We have the honour to forward herewith, for Your Lordship's consideration, a memorial by the Advocate General and other practising European members of the Bombay Bar, stating their objections to the application of any rules that may be passed regarding the Provincial Service, in pursuance of paragraph 32 of Your Lordship's Despatch to the Government of India, No. 104 of the 12th September 1889, to the offices of Presidency Magistrate and Judge of the Presidency Courts of Small Causes.

2. In that Despatch the reservation to the Government of India of the "power of making, in very special cases and under prescribed conditions, direct appointments, whether of Natives or Europeans, to offices in the higher grades of the Provincial Service" has been approved by Your Lordship, with certain restrictions, in the case of the Judicial Branch, as to qualifications. These restrictions are that the nominees shall be barristers, advocates or pleaders of an Indian High Court or Chief Court of not less than ten years' standing and possessing a thorough knowledge of the vernacular language of the Province.

3. It is to these restrictions on the selection of a barrister, advocate or pleader for "offices in the higher grades of the Provincial Service" that the memorialists refer when they contend that the proposed rule is inapplicable to the case of the offices in question. They point out, with regard to the limitation as to professional standing, that the application of such a rule would require for officers appointed to the Presidency Magistracies and Judgeships of the Presidency Courts of Small Causes a higher qualification than that required for Judges of the High Court, for whom it is laid down by Act 24 and 25 Vict., Ch. 104, section 2 (1), that they shall be barristers of not less than five years' standing.

4. As to the requirement from candidates for these offices of a "thorough knowledge of the vernacular language of the Province," the memorialists very truly observe that, while there are at least four vernaculars (Hindustani, Marathi, Gujarati and Kanarese) in common use in

the Presidency, of which the first three are also to a large extent spoken in the Town of Bombay, a knowledge of all these four vernaculars would not enable a Judicial officer to follow the evidence in every case. It would, moreover, be impossible to say which of the three should be deemed to be the vernacular language for the purpose of the proposed rule. For such reasons the language of all the Courts in Bombay has for many years been English.

5. The memorial appears to us to be reasonable. It has, therefore, our support; and we trust that Your Lordship will have no difficulty in holding that the observations contained in paragraph 32 of Your Lordship's Despatch of the 12th September 1889 are not to be regarded as applicable to the appointments referred to by the memorialists. Your Lordship will have noticed that these appointments have not been included in the list published with the Resolution of the Government of India, No. 9—1342-52 of the 21st April 1892, which was issued on a consideration of that Despatch and the other papers referred to in the preamble to the Resolution.

Enclosure to the Despatch from the Government of Bombay, Judicial Department, to the Secretary of State for India in Council, No. 7, dated the 14th June 1892.

To the Right Hon'ble RICHARD ASSHETON VISCOUNT CROSS, G.C.B., Her Majesty's Principal Secretary of State for India in Council, London.

MAY IT PLEASE YOUR LORDSHIP,—The attention of Your Lordship's Memorialists having been directed to paragraph 32 of Your Lordship's Despatch to His Excellency the Governor General of India in Council, dated India Office, London, 12th September 1889, on the subject of the Public Service Commission, we, the undersigned, being all the practising European members of the Bar at present in Bombay, respectfully invite Your Lordship's kind consideration of the following matters.

2. Your Lordship's memorialists are not aware what are the precise offices included or intended to be included under the term "higher grades of the Judicial Branch of the Provincial Service," but it has been suggested that the Presidency Magistrates and Judges of the Presidency Courts of Small Causes are officers who would be affected by any rules passed regarding the Provincial Service. Your Lordship's memorialists, however, respectfully submit that such is not the case, and they venture to urge the following reasons why the rules suggested in the above-mentioned paragraph of Your Lordship's Despatch should not apply to higher Judicial officers in the Presidency Towns, and especially in Bombay.

3. That the paragraph in question can never have been intended to apply to such offices as those of the Presidency Magistrates or the Judges of the Presidency Courts of Small Causes is strongly borne out by the very wording of the suggested rule. In the first place, it is suggested that the power of appointment by the Government of India should be limited to "Barristers, Advocates, or Pleaders of an Indian High or Chief Court *of not less than ten years' standing.*" Such a rule might fairly have been made in contemplation of the appointment of Barristers to Sessions Judgeships in the Mofussil, as in such cases strangers would be directly introduced into high appointments over the heads of Civil Servants of long standing, and it would be only reasonable to demand that senior men should be appointed to such posts. But in the Presidency Towns the qualification necessary to render a Barrister eligible for appointment as a Judge of the High Court is, that he should be *of not less than five years' standing* [see Act 24 and 25 Vict., C. 104, section 2 (1).]. Your Lordship's Memorialists submit that it could hardly have been Your Lordship's intention to require for officers appointed to the Presidency Magistracies and Judgeships of the Presidency Courts of Small Causes, a qualification of double the standing required for Judges of the High Court, to whose appellate jurisdiction they are amenable.

4. In the second place, with regard to the qualification suggested, of "a *thorough knowledge of the vernacular language of the province,*" your Memorialists would respectfully submit that it could never have been intended to prescribe such a qualification as a condition precedent for appointment to the higher Judicial offices in the Presidency towns, and especially in the City of Bombay, since in such towns it would be absolutely impossible to name any one or even two languages as the vernacular language or languages of such town. In Bombay the mercantile community for the most part speak Gujarati, the labouring classes Mahratti, and the Muhammadans Oordoo (or as it is more usually called Musalmani), whilst the Government of Bombay recognises as the vernacular languages of the Presidency Gujarati, Mahratti and Canarese : but even a thorough knowledge of all these languages would not enable a Judicial officer in Bombay, in very many cases, to follow the evidence, as witnesses are frequently found in the Courts speaking Arabic, Persian,

Sindhi, Portuguese, or Tamil, besides the many other languages spoken by sea-faring men, who constantly appear in one capacity or another in the Police Courts of Bombay. In view of the numerous nationalities and tongues which are constantly in evidence in Bombay, for many years past the official language of all the Courts in this City has been English, and even where a Native Judge presides, all oral evidence is given and recorded in English, and all vernacular documents used as evidence are translated into that language. With regard to reading and writing the vernacular, Your Lordships' Memorialists confidently venture to assert that in very many cases the High Court Interpreters are unable to read the character in which native books are kept, especially in the case of Marwari books, which are frequently before the Courts ; and the books have to be read to the interpreter by the witness who produces them. Your Lordship's Memorialists, therefore, submit that a knowledge of any one vernacular is quite unnecessary for the efficient discharge of the duties devolving in Bombay on Presidency Magistrates and Judges of the Court of Small Causes ; and in support of their statement they crave leave to refer to the records of a long series of years during which those offices have been administered, in the majority of instances, by European Barristers selected from the Bombay Bar, with credit to those officers, with satisfaction to Her Majesty's Government, and in such manner as to win the confidence of all classes of Her Majesty's subjects.

5. With regard to the recruitment of Europeans for such posts as are mentioned above, Your Lordship's Memorialists most respectfully submit that when eligible men are obtainable on the spot—men who have practised in the Local Courts, who are thoroughly acquainted with the procedure, and who have obtained no small insight into the peculiarities of the native character, such as any practising Barrister must obtain in the course of a few years—the administration of justice would be rendered much more safe and speedy, and the public mind would be placed much more at ease, by the appointment of such men than by the appointment of others who are unknown, who are untried, and who, being ignorant of the local peculiarities of the native character, would have to acquire their knowledge of them as best they could whilst administering justice upon the Bench, and would certainly be devoid of that knowledge of the vernacular which it is suggested that Your Lordship's Despatch makes a condition precedent to the appointment of Your Memorialists.

6. Your Lordship's Memorialists further most respectfully submit that there is no reason why the European members of the Bar in India should be singled out to be subjected to such terms of qualification for offices which, they humbly submit, they are at least as well fitted to administer with credit and advantage to the country as any other body of men. They believe that Your Lordship did not intend to include, and does not in fact include, the offices of Presidency Magistrate and Judge of the Presidency Courts of Small Causes in the term "higher grades of the Judicial Branch of the Provincial Service," and they respectfully beg that in the event of any such rules as suggested in Your Lordship's Despatch being laid down, Your Lordship will notify to the Government of India and to the Government of Bombay, that such rules do not apply to the offices of Presidency Magistrate, or Judge of the Presidency Courts of Small Causes.

No. 9. From the Government of India, to the Secretary of State for India,—No. 48, dated the 12th July 1892.

We have the honour to address Your Lordship in continuation of the Government of Bombay's Judicial Despatch No. 7, dated the 14th June 1892, with which was transmitted a memorial from the Advocate General and other practising European members of the Bombay Bar, setting forth their objections to the application of any rules that may be passed regarding the Provincial Service, in pursuance of paragraph 32 of your Despatch No. 104, dated the 12th September 1889, to the offices of Presidency Magistrate and Judge of the Presidency Courts of Small Causes.

2. We consider it desirable to inform Your Lordship that we concur generally in the objections urged by the memorialists, so far as the offices in question are concerned. We are, however, inclined to think that paragraph 32 of Your Lordship's Despatch of the 12th September 1889 was not intended to apply to these particular offices in Presidency towns. In accordance with the views expressed in paragraphs 17 to 19 of your Despatch, we understand that the Provincial Services will include the offices which are now held by members of the Subordinate Judicial and Executive Services in their higher grades, together with such appointments ordinarily reserved for members of the Indian Civil Service as may from time to time be placed on the lists of appointments thrown open to the Provincial Service in accordance with the instructions in paragraph 17 of the Despatch. It has been the practice hitherto to treat the offices of Presidency Magistrate and Judge of the Presidency Courts of Small Causes as entirely outside the Provincial (Subordinate Executive and Judicial) Services; though there is,

and in our opinion should be, nothing to prevent an officer of the Provincial Civil Service from being appointed to them if it is otherwise considered desirable to appoint him. We trust that Your Lordship will concur in our view that these offices should not be amalgamated with the Provincial Service.

3. We may add that, in view of the remarks contained in paragraph 2 of Your Lordship's Despatch, No. 38 (Public), dated the 5th May 1892, we have requested the Government of Bombay to consider whether the appointment of Chief Presidency Magistrate should not be removed from the cadre of that Presidency for which Indian Civilians are recruited.

From the Secretary of State for India, to the Government of India,—No. 35 (Judicial), dated the 25th August 1892. No. 10.

I have considered in Council the letter of Your Excellency in Council No. 48, dated the 12th ultimo, in continuation of the letter (which has been duly received) from the Bombay Government, No. 7, dated 14th June last, transmitting a memorial from members of the Bombay Bar stating objections to any rules regarding the Provincial Service being applied to the offices of Presidency Magistrate and Judge of the Presidency Courts of Small Causes.

2. The orders contained in paragraph 32 of my predecessor's Despatch No. 104, dated 12th September 1889, were not intended to apply to these particular offices in Presidency towns.

3. Your Lordship is correct in understanding the effect of the views expressed in that Despatch to be that the Provincial Services will include the offices now held by members of the Subordinate Judicial and Executive Services in their higher grades, together with such appointments ordinarily reserved for members of the Civil Services of India as may from time to time be placed on the list of offices declared by Notification in the official Gazette to be specially suitable for the appointment thereto of Natives of India who are members of the Provincial Service. It has been the practice hitherto to treat the offices of Presidency Magistrate and Judge of the Presidency Small Cause Courts as entirely outside the Provincial (Subordinate Executive and Judicial) Services, and it is desirable that that practice should be continued, though of course an officer of the Provincial Service may properly be appointed to them if such appointment happens to be desirable in the public interest.

From the Secretary of State for India, to the Governor in Council, Bombay,—No. 5 (Judicial), dated the 25th August 1892. No. 11.

I have considered in Council the Despatch of your Government, No. 7, dated 14th June last, forwarding a memorial from members of the Bar in Bombay, stating objections to the application of any rules passed regarding the Provincial Service in pursuance of the orders of paragraph 32 of my predecessor's Despatch to the Government of India, No. 104, dated 12th September 1889, to the offices of Presidency Magistrate and Judge of the Presidency Courts of Small Causes.

2. I enclose a copy of my reply to a later Despatch from the Government of India relating to the same subject, and I request that the memorialists may be informed of my decision.

No. 35, dated 25th August 1892.

From the Secretary of State, to the Government of India,—No. 85 Public, dated the 31st August 1892. No. 12.

I have considered in Council the letter of your Government No. 39, dated the 7th of June last, relating to your action in carrying out the instructions of my predecessor on the subject of the recommendations of the Public Service Commission as regards the higher branches of the Judicial and Executive Services in India, and also submitting for sanction the draft of new rules to be prescribed by you under Statute 33 Vict., cap. 3, section 6.

2. The draft rules have by my directions been revised and altered so that one set of rules may suffice for all the Regulation Provinces and take the place of the four sets approved by your Government. As revised, they have been sanctioned by me in Council with the concurrence of a majority of the members present. I enclose a copy of them as so sanctioned, and they can at once be prescribed (to use the language of section 6 of 33 Vict., cap. 3) by your Government, unless you consider that they require alteration or amendment, in which case they must again be referred to me for final sanction before they can be issued.

3. The scheme for the re-organization of the Provincial Executive and Judicial Services in the Punjab, mentioned in the second paragraph of your letter under reply, has my approval.

4. I observe that in your letters to the various Local Governments Your Excellency in Council has repeated the provisions of the orders of 1879 in the form that Europeans who are not Natives of India may be recruited into the Provincial Civil Service on complying with certain conditions with the sanction of the Secretary of State as regards Madras and Bombay, and of the Government of India as regards the other Provinces. I am of opinion that it will be sufficient in future nd more convenient that the sanction of the Government of India only should be obtained in all Presidencies and Provinces alike.

5. The admission of Europeans who are not Natives of India into the Provincial Civil Services involves the question of their eligibility for promotion to those higher offices hitherto reserved for the Civil Service of India which are named in your list as those specifically thrown open to the Provincial Services. On this subject my predecessor made some observations in his Despatch of the 12th September 1889, which I have no doubt Your Lordship will have kept in view in considering and preparing these various rules and Notifications, particularly the Notifications which you propose to extend by executive order to those Provinces in which the Statute of 1870 is not in force.

No.13. From the Government of India, to the Secretary of State for India,—No. 62, dated the 13th September 1892.

In continuation of our Despatch No. 39 (Public), dated the 7th June 1892, we have the honour to forward copies of two letters * received from the Chief Commissioner of the Central Provinces on the subject of the constitution of the Provincial Service in those Provinces, and of the transfer to that Service of appointments hitherto reserved for members of the Civil Service of India.

* No. 3567, dated 28th May 1892.
No. 3965, dated 13th June 1892, and enclosures.

2. The total number of cadre appointments in the Central Provinces for which the Civil Service of India is recruited, as shown in the schedule to our Public Despatch No. 14, dated the 24th February 1892, is 53, or 56 including 3 posts under the Government of India to fill which the Local Administration may be required to supply officers. We think that it will adequately meet present and proximate requirements if seven posts are thrown open to members of the Provincial Service. After carefully considering the Chief Commissioner's suggestions, we propose to place the following posts on the list of appointments declared open for the present to the Provincial Service and to attach to them the pay stated opposite each—

	R	
1 Deputy Commissionership . .	1,600 1,200 1,000	according to grade.
2 Small Cause Court Judgeships	800 700	
1 Office of Registrar Judicial Commissioner's Court. Office of Assistant to Settlement Commissioner.		Grade pay as Extra Assistant Commissioner, *plus* R100 local allowance.
2 Assistant Commissionerships . . .		Grade pay as Extra Assistant Commissioner.

3. Your Lordship will observe that the Chief Commissioner, in paragraph 3 of his letter of the 28th May last, says that he is doubtful whether one or two Deputy Commissionerships should be listed as open to members of the Provincial Service. We are of opinion that the proposal to list only one of these appointments is not altogether free from objection, as there are two Statutory Civilians in the Central Provinces at present ; and if only one post is listed, one of them will be debarred from rising to the headship of a district. The Chief Commissioner evidently contemplates (and we agree with him) that both the existing Statutories, whether they elect to join the Provincial Service or not, shall be eligible for district charges if they are judged to be thoroughly competent. At the same time, he thinks it better to begin prudently and not at present to transfer more than one district headship to the Provincial list. As the Central Provinces are outside the scope of the Statute of 1861, it seems to us that the best arrangement under the circumstances would be to list one Deputy Commissionership, and to empower the Chief Commissioner to appoint a Statutory Civilian or a member of the Provincial Service to a second headship of a district, whenever he considers this to be necessary, even although the second appointment has not been formally listed. If this view meets with Your Lordship's approval, we will authorise the Chief Commissioner to act accordingly.

4. The rates of pay proposed by the Chief Commissioner for Deputy Commissionerships held by members of the Provincial Service appear to us to be inadequate. We are of opinion

that the same rates as have been fixed with Your Lordship's approval for other Provinces should also be adopted for the Central Provinces. The salaries at present drawn by Deputy Commissioners who are members of the Commission in these Provinces are admittedly low, and will, as pointed out in paragraph 7 of our Financial Despatch No. 209, dated the 4th August 1891, probably have to be increased before long. If the lower rates of pay proposed by the Chief Commissioner are now adopted for members of the Provincial Service, they would also have to be increased at the same time, and we think that it will be preferable to fix the higher pay at once. The rates which we propose are considerably in excess of two-thirds of the present pay of Deputy Commissioners who are members of the Commission: but the two-thirds rule has not been rigidly followed in settling the pay of members of the Provincial Service appointed to reserved offices, and, under Your Lordship's instructions, we are fixing what we consider to be a suitable salary in the case of each appointment with reference to the character of the work and the remuneration which is necessary for duly qualified candidates in this country. We would accordingly ask Your Lordship's sanction to fix the pay of Provincial Deputy Commissioners in the Central Provinces at R1,600, R1,200, and R1,000, according to grade, which are the rates shown in our Reselution of the 21st April last for district headships in all other Provinces except Madras and Bombay, where there are two grades only on R1,600, and R1,200 respectively.

5. The two Small Cause Court Judgeships will shortly be altogether transferred to the Provincial Service, and may now appropriately be placed on the list as open to members of that Service. One of these appointments is at present substantively held by a member of the Indian Civil Service, and the other by a Statutory Civilian, but they have been excluded from the list of appointments for which Indian Civilians will be recruited in future. The pay of the appointments, when held by Indian Civilians, is R1,000 and R800, and we think that R800 and R700 will be suitable rates for members of the Provincial Service.

The Registrar to the Judicial Commissioner at present draws his grade pay as Assistant Commissioner and a local allowance of R100 a month in addition. The salary of the Assistant to the Settlement Commissioner is regulated by the principle explained in our Financial Despatch No. 252, dated 26th August 1890. On a similar principle we propose that members of the Provincial Service holding these offices should draw their grade pay as Extra Assistant Commissioners and a local allowance of R100 a month in addition.

6. We request Your Lordship's sanction to the proposals in the preceding paragraphs. In addition to the appointments mentioned above, the Chief Commissioner has proposed to enter two posts of Settlement Officer in the list. There are, however, no such appointments in the cadre of the Central Provinces for which Civilians are recruited, and they cannot therefore be listed: but there is no objection to the Chief Commissioner continuing to employ Provincial Officers (as at present) as Settlement Officers.

7. The Deputy Commissionerships and the Small Cause Court Judgeships declared open to the Provincial Service will remain separate appointments on separate rates of pay. To provide for the remaining appointments mentioned in paragraph 2 above, the holders of which, when members of the Provincial Service, will draw the pay of their grade, it will be necessary to add four appointments to the existing grades of Extra Assistant Commissioners. The Chief Commissioner, in paragraph 7 of his letter of the 28th May, proposed to make an additional appointment to each of the 1st, 2nd, 3rd and 6th grades; but we consider that it would be preferable to add an appointment to each of the 2nd, 3rd, 4th and 5th grades of Extra Assistant Commissioner. These additions will raise the strength of that Service from 44, as sanctioned in your Despatch No. 101 (Public), dated the 24th September 1891, to 48 as shown below:—

	Present scale.	Proposed scale.
	R	R
1st grade	1 on 700	1 on 700
2nd "	5 on 600	6 on 600
3rd "	11 on 500	12 on 500
4th "	12 on 400	13 on 400
5th "	8 on 300	9 on 300
6th "	7 on 250	7 on 250
TOTAL	44	48

We would ask Your Lordship to sanction these additions to the grades of Extra Assistant Commissioners; they will take effect, and the number of cadre posts of Assistant Commissioners

of the 1st, 2nd, 3rd and 4th class will be correspondingly reduced, when the prior claims of officers of the Civil Service of India and existing Statutories have, as explained in paragraph 6 of the Resolution of 21st April, been satisfied.

8. The remaining proposals made by the Chief Commissioner, regarding the recruitment of the Provincial Service and the place where the line between the superior and subordinate Service should be drawn, meet with our approval generally, and we propose to sanction them, with certain slight modifications of details which we consider necessary.

Copy, with copy of the letters from the Chief Commissioner of the Central Provinces noted in the margin, forwarded to the Department of Finance and Commerce for information.

No. 3567, dated 28th May 1892.
No. 3965, dated 13th June 1892.

No. 14.

NOTIFICATION.

No. 2159, dated the 2nd November 1892.

In exercise of the power conferred by Statute 33 Victoria, chapter 3, section 6, and in supersession of the rules published in Notification No. 1534, dated the 22nd August 1879, the Governor General in Council has been pleased to make the following rules, which have been sanctioned by the Secretary of State in Council with the concurrence of a majority of the members present:—

1. The Local Government may appoint any member of the Provincial Civil Service subordinate to it, who is a Native of India and of proved merit and ability to any of the offices, places and employments ordinarily held by members of the Civil Service of India to fill which it has been declared by such Local Government (by Notification in the official Gazette) that members of such Provincial Civil Service can properly be appointed, provided that no appointment shall be made to the office of District and Sessions Judge or chief administrative officer of a district or to any administrative office of higher rank if the vacancy to be filled is permanent or for a period of more than three months without the sanction of the Governor General of India in Council.

2. The Local Government may, with the previous sanction of the Governor General in Council (but not otherwise), at any time appoint any Native of India of proved merit and ability to any of the o ces, places and employments specified by such Local Government in any such Notification as in Rule 1 is mentioned: provided that not more than one-fourth of the offices, places and employments so specified shall at any one time be held by Natives of India not members of the Provincial Civil Service subordinate to the Local Government; but this proviso shall not apply to or include any Native of India (not a member of a Provincial Service) who has, prior to the making of these rules, been appointed under Statute 33 Vict., cap. 3, section 6, to an office, place or employment in the Civil Service of India.

3. The Local Government may (with the previous sanction of the Governor General in Council in any case in which such sanction is required for a permanent appointment) declare any appointment to be made on probation only, and may prescribe the terms on which it is made and the conditions with which the person appointed must comply before he can be confirmed.

4. The Local Government may at any time suspend, and with the previous sanction of the Governor General in Council remove, any person appointed by such Local Government under these rules.

No. 15.

From C. J. LYALL, Esq., C.I.E., Secretary to the Government of India, to the Chief Secretary to the Government of Madras,—No. 2194, dated the 10th November 1892.

In continuation of my letter No. 1535, dated the 27th May 1892, I am directed to forward the accompanying extracts * from a Despatch No. 85 (Public), dated the 31st August 1892, from the Secretary of State, sanctioning a revised set of rules under section 6 of the Statute of 1870 33 Vict., cap. 3, for the appointment of Natives of India to offices reserved for members of the Indian Civil Service. A copy of the revised rules as issued by the Government of India with Home Department Notification No. 2159, dated the 2nd instant, is also enclosed for the information of the Madras Government, and I am to convey the following remarks and instructions for future guidance in connection with them.

* Omitting paragraph 3.

2. Rule 1 is in accordance with the orders contained in paragraph 8 of this Department's Resolution No. $\frac{9 \text{ Public}}{1342\text{-}1352}$, dated the 21st April 1892, which authorize the Local Government

to nominate, without reference to the Government of India, members of the Madras Provincial Civil Service to any office listed as open to that Service, with the exception of the headship of a district or a District and Sessions Judgeship, in cases in which the vacancy to be filled in the latter offices is permanent or for a period of more than three months. This rule, it will be observed, applies only to the appointment to reserved posts of members of the Provincial Civil Service, including of course such Statutory Civilians as may have been transferred to that Service, or as may now avail themselves of the option of joining it offered in paragraph 5 of my letter of the 27th May last.

3. The case of Statutory Civilians who elect to remain in their present position will be governed by Rule 2 of the enclosed rules, under which the previous sanction of the Governor General in Council is required to their appointment to any listed post. As explained in my letter of the 27th May last (paragraph 5), such Statutory Civilians hold appointments outside both the Covenanted and the Provincial Civil Services, and the effect of Rule 2 is to continue in their case the principle of the existing orders regulating their promotion. The sanction of the Government of India will not be required to promotions merely from grade to grade which do not involve a change in the duties and responsibilities discharged, such as that of an Assistant Collector to be a Head Assistant. These promotions may continue to be made by the Local Government of its own motion. The sanction of the Government of India will, however, be required before any promotion, however temporary, of a Statutory Civilian who remains in his present position is made to the office of Collector and District Magistrate, or of District and Sessions Judge, or to any other office such as that of Sub-Collector and Joint Magistrate or Under Secretary to Government, which is entered as a separate office in the Schedule to the Statute 24 and 25 Vict., cap. 54, or the duties of which differ in character from those of the substantive appointment of the officer whom it is proposed to promote.

It has not been the practice hitherto to refer for the sanction of the Government of India mere acting promotions to the grade of Sub-Collector and Joint Magistrate. As, however, these appointments are entered as separate offices in the Schedule to the Statute cited above, such sanction will in future be necessary under the terms of Rule 2. I am to say that references on the subject of these acting promotions will be regarded as of a purely formal character, but the Government of India are precluded by the requirements of the rule as sanctioned by the Secretary of State in Council from dispensing with them.

4. I am to invite the attention of the Governor in Council to paragraph 4 of the Despatch, under which the sanction of the Government of India, instead of that of the Secretary of State, will in future be sufficient for the appointment of Europeans who are not Statutory Natives of India to offices carrying a salary of R200 a month and upwards. [*Vide* paragraph 2 of the Secretary of State's Despatch to the Government of Madras, No. 9, dated 10th July 1897, and paragraph 9 (Condition V) of my letter of the 27th May last.]

5. In paragraph 5 of the Despatch the Secretary of State observes that the admission of Europeans to the Provincial Service involves the question of their eligibility for the higher offices hitherto reserved for the Civil Service of India, which are named in the Resolution of the 21st April last as those specifically thrown open to the Provincial Civil Service. On this subject I am to invite a reference to paragraph 14 of Mr. MacDonnell's letter No. 300, dated the 14th February 1890. From the nature of the case Europeans who are not Natives of India within the definition contained in section 6 of the Statute, 33 Vict., cap. 3, cannot be appointed to any listed posts under the rules now promulgated, inasmuch as the rules themselves and the Statute under which they are framed only authorize the appointment of Natives of India as defined in section 6 to posts ordinarily held by members of the Indian Civil Service. If it is considered desirable at any time in the public interests to appoint a European member of the Provincial Service to any of the listed posts, the appointment in a Regulation Province can only be made in accordance with the procedure of sections 3 and 4 of the Civil Service Statute of 1861 (24 and 25 Vict., cap. 54) if the office in question is entered in the Schedule to that Statute. In the non-Regulation Provinces or in the Regulation Provinces if the office in question is not a "Scheduled" post, but only reserved for members of the Indian Civil Service by executive order, the appointment of a European member of the Provincial Service can only be made with the previous sanction, as an executive measure, of the Secretary of State.

6. The Government of India desire to take this opportunity of issuing instructions regarding the manner in which Statutory Civilians and officers of the Provincial Service who hold posts ordinarily reserved for the Civil Service of India, should be shown in the Quarterly Civil Lists. It is desirable that the practice in this matter should be uniform in all Presidencies and Provinces, so that the number and proportion of reserved posts which are held by persons who are not members of the Indian Civil Service may be readily ascertainable on a

reference to the Civil Lists. I am accordingly to convey the following instructions, and to request that they may be carefully observed in future issues of the Quarterly Civil Lists:—

(1) The Statutory Civilians who elect to remain in their present position and do not join the Provincial Service, should be shown in a separate list, immediately after the Civil Service gradation list. Their names should also be retained in italics, and without serial numbers, in their appropriate places, determined according to the date of their confirmation * in the gradation list of the Indian Civil Service, so that their relative position for promotion as compared with Indian Civilians may be quite clear.

* Letter to the Government of Madras, No. 300, dated the 14th February 1890 (paragraph 11).
Letter to the Government of Madras, No. 1543, dated the 8th August 1890.
Letter to the Government of Madras, No. 1535, dated the 27th May 1892 (paragraph 5).

These instructions supersede all previous orders on this subject. The present practice in the matter of showing the names of Statutory Civilians in the Civil Lists is different in different Provinces. In the Madras Civil List, corrected to 1st October 1892, there is a separate list of Statutory Civilians at pages 60 to 63, but their names are not shown in the Civil Service gradation list. The Civil List for the North-Western Provinces and Oudh, corrected up to 1st October 1892, follows the arrangement which the Government of India would now be glad to see generally adopted.

(2) The names of the Statutory Civilians who join the Provincial Service should be removed from the list of Statutory Civilians and entered in their proper places in the list of members of the Provincial Service. A note should be added against their names (or some distinctive mark or letter, such as **Ex-S.**, referring to a note) explaining that they are ex-Statutory Civilians transferred to the Provincial Service, and that they have, *cæteris paribus*, a preferential claim to promotion to listed posts over other equally qualified members of the Provincial Service, as explained in the letters cited in the margin above.

(3) After the list of Statutory Civilians who retain their present position there should be a list showing the names of those members of the Provincial Civil Service who are holding substantively or officiating in posts ordinarily reserved for the Civil Service of India listed as open to the Provincial Service. The posts which they are holding or in which they are officiating should also be shown.

(4) As regards the reserved offices inferior to the headship of a district which have been amalgamated with the grades of Deputy Collector (paragraph 6 of Resolution of 21st April 1892), it probably will not be possible to show the incumbents by name. A note should accordingly be added after the list of Provincial Service officers referred to above in sub-paragraph (3), specifying the *number* of such transferred offices which are held by members of the Provincial Services. I am also to refer you to the latter part of paragraph 9 of the Resolution of the 21st April last, and again to invite the attention of the Madras Government to the necessity for showing the number of transferred appointments against the grades of the Provincial Service to which they are attached.

(5) There remains the case of exceptional appointments—permanent or officiating—to reserved posts of persons (other than members of the Civil Service of India or the non-Regulation Commissions) who are neither Statutory Civilians nor members of the Provincial Service. An example of such appointments would be that of a barrister to a Judicial post otherwise than under the rules relating to the Provincial Services; other appointments to offices which are included in the cadre of recruitment for the Indian Civil Service might also occasionally be made with the sanction of the Sectetary of State. Such appointments are quite exceptional, but the Government of India desire that where they exist they should be separately shown in the Civil Lists, and I am to request that they may be shown in future immediately after the list of Provincial Service officers holding reserved posts referred to above.

7. It is understood that the Notification suggested in paragraph 9 of the Resolution of the 21st April has not yet been issued by the Madras Government. I am to request that it may now be issued, the Provincial Service in the Madras Presidency being designated the "Madras Provincial Civil Service" in conformity with the wording of the rules sanctioned by the Secretary of State.

No. 16. From C. J. LYALL, Esq., C.I.E., Secretary to the Government of India, to the Chief Secretary to the Government of Bombay,—No. 2195, dated the 10th November 1892.

In continuation of my letter No. 1536, dated the 27th May 1892, I am directed to forward the accompanying extracts* from a Despatch No. 85 (Public), dated 31st August 1892, from

* Omitting paragraph 3.

the Secretary of State, sanctioning a revised set of rules under section 6 of the Statute of 1870, 33, Vict., cap. 3, for the appointment of Natives of India to offices reserved for members of the Indian Civil Service. A copy of the revised rules as issued by the Government of India with Home Department Notification No. 2159, dated the 2nd instant, is also enclosed for the information of the Bombay Government, and I am to convey the following remarks and instructions for future guidance in connection with them.

2. Rule 1 is in accordance with the orders contained in paragraph 8 of this Department's Resolution No. $\frac{9 \text{ Public}}{1342-1352}$, dated the 21st April 1892, which authorize the Local Government to nominate, without reference to the Government of India, members of the Bombay Provincial Civil Service to any office listed as open to that Service with the exception of the headship of a district or a District and Sessions Judgeship, in cases in which the vacancy to be filled in the latter offices is permanent or for a period of more than three months. This rule, it will be observed, applies only to the appointment to reserved posts of members of the Provincial Civil Service, including of course such Statutory Civilians as may have been transferred to that Service, or as may now avail themselves of the option of joining it offered in paragraph 5 of my letter of the 27th May last.

3. The case of Statutory Civilians who elect to remain in their present position will be governed by Rule 2 of the enclosed rules, under which the previous sanction of the Governor General in Council is required to their appointment to any listed post. As explained in my letter of the 27th May last (paragraph 5), such Statutory Civilians hold appointments outside both the Covenanted and the Provincial Civil Services, and the effect of Rule 2 is to continue in their case the principle of the existing orders* regulating their promotion. The sanction of the Government of India will not be required to promotions merely from grade to grade which do not involve a change in the duties and responsibilities discharged, such as that of an Assistant Collector to be a Second or First Assistant. These promotions may continue to be made by the Local Government of its own motion. The sanction of the Government of India will, however, be required before any promotion, however temporary, of a Statutory Civilian who remains in his present position, is made to the office of Collector and District Magistrate, or of Judge and Sessions Judge, or to any other office which is entered as a separate office in the Schedule to the Statute 24 and 25 vict., cap. 54, or the duties of which differ in character from those of the substantive appointment of the officer whom it is proposed to promote.

* (Letter to the Government of Bombay, No. 353, dated the 24th September 1891.

4. I am to invite the attention of the Governor in Council to paragraph 4 of the Despatch, under which the sanction of the Government of India, instead of that of the Secretary of State, will in future be sufficient for the appointment of Europeans who are not Statutory Natives of India to offices carrying a salary of R200 a month and upwards. [*Vide* paragraph 2 of the Secretary of State's Despatch to the Government of Bombay, No. 7, dated 10th July 1879, and paragraph 7 (Condition V) of my letter of the 27th May last.]

5. In paragraph 5 of the Despatch the Secretary of the State observes that the admission of Europeans to the Provincial Service involves the question of their eligibility for the higher offices hitherto reserved for the Civil Service of India, which are named in the Resolution of the 21st April last as those specifically thrown open to the Provincial Civil Service. On this subject I am to invite a reference to paragraph 14 of Mr. MacDonnell's letter No. 301, dated the 14th February 1890. From the nature of the case Europeans who are not Natives of India within the definition contained in section 6 of the Statute, 33 Vict., cap. 3, cannot be appointed to any listed posts under the rules now promulgated, inasmuch as the rules themselves and the Statute under which they are framed only authorize the appointment of Natives of India, as defined in section 6, to posts ordinarily held by members of the Indian Civil Service. If it is considered desirable at any time in the public interests to appoint a European member of the Provincial Service to any of the listed posts, the appointment, in a Regulation Province, can only be made in accordance with the procedure of sections 3 and 4 of the Civil Service Statute of 1861 (24 and 25 Vict., cap. 54), if the office in question is entered in the Schedule to that Statute. In the non-Regulation Provinces, or in the Regulation Provinces if the office in question is not a "Scheduled" post, but only reserved for members of the Indian Civil Service by executive order, the appointment of a European member of the Provincial Service can only be made with the previous sanction, as an executive measure, of the Secretary of State.

6. The Government of India desire to take this opportunity of issuing instructions regarding the manner in which Statutory Civilians and officers of the Provincial Service who hold posts ordinarily reserved for the Civil Service of India, should be shown in the Quarterly Civil Lists.

It is desirable that the practice in this matter should be uniform in all Presidencies and Provinces, so that the number and proportion of reserved posts, which are held by persons who are not members of the Indian Civil Service or the non-Regulation Commissions, may be readily ascertainable on a reference to the Civil Lists. I am accordingly to convey the following instructions, and to request that they may be carefully observed in future issues of the Quarterly Civil Lists :—

(1) The Statutory Civilians who elect to remain in their present position and do not join the Provincial Service, should be shown in a separate list, immediately after the Civil Service gradation list. Their names should also be retained in italics, and without serial numbers, in their appropriate places determined according to the date of their confirmation*, in the gradation list of the Indian Civil Service, so that their relative position for promotion as compared with Indian Civilians may be quite clear.

* (Letter to the Government of Bombay, No. 301, dated the 14th February 1890 (paragraph 11). Letter to the Government of Bombay, No. 1479, dated the 31st July 1890. Letter to the Government of Bombay, No. 1536, dated the 27th May 1890, paragraph 5).

These instructions supersede all previous orders on this subject. The present practice in the matter of showing the names of Statutory Civilians in the Civil Lists is different in different Provinces. In the Bombay Civil List, corrected up to 1st October 1892, there is no separate list of Statutory Civilians, but their names are shown in the Civil Service gradation list with serial numbers attached to them. These numbers should be omitted, and the entries should be in italics. The Civil List for the North-Western Provinces and Oudh, corrected up to the 1st October 1892, follows the arrangement which the Government of India would now be glad to see generally adopted.

(2) The names of the Statutory Civilians who join the Provincial Service should be removed from the list of Statutory Civilians and entered in their proper places in the list of members of the Provincial Service. A note should be added against their names (or some distinctive mark or letter, such as Ex-S., referring to a note) explaining that they are ex-Statutory Civilians transferred to the Provincial Service, and that they have, *cæteris paribus*, a preferential claim to promotion to listed posts over other equally qualified members of the Provincial Service as explained in the letters cited in the margin above.

(3) After the list of Statutory Civilians who retain their present position there should be a list showing the names of those members of the Provincial Service who are holding substantively or officiating in posts ordinarily reserved for the Civil Service of India listed as open to the Provincial Service. The posts which they are holding or in which they are officiating should also be shown.

(4) As regards the reserved offices inferior to the headship of a district which have been amalgamated with the grades of Deputy Collectors (paragraph 6 of Resolution of 21st April 1892), it probably will not be possible to show the incumbents by name. A note should accordingly be added after the list of Provincial Service officers referred to above in sub-paragraph (3) specifying the *number* of such transferred offices which are held by members of the Provincial Service. I am also to refer you to the latter part of paragraph 9 of the Resolution of the 21st April last, and again to invite the attention of the Bombay Government to the necessity for showing the number of transferred appointments against the grades of the Provincial Service to which they are attached.

(5) There remains the case of exceptional appointments—permanent or officiating—to reserved posts of persons (other than members of the Civil Service of India or the non-Regulation Commissions) who are neither Statutory Civilians nor members of the Provincial Service. An example of such appointments would be that of a barrister to a Judicial post otherwise than under the rules relating to the Provincial Services; other appointments to offices which are included in the cadre of recruitment for the Indian Civil Service might also occasionally be made with the sanction of the Secretary of State. Such appointments are quite exceptional, but the Government of India desire that where they exist they should be separately shown in the Civil Lists, and I am to request that they may be shown in future immediately after the List of Provincial Service officers holding reserved posts referred to above.

7. It is observed that the Notification suggested in paragraph 9 of the Resolution of the 21st April was issued in the *Bombay Gazette* of the 25th August last. I am to suggest that in future similar Notifications the Provincial Service in the Bombay Presidency should be designated the "Bombay Provincial Civil Service" in conformity with the wording of the rules sanctioned by the Secretary of State.

From C. J. LYALL, Esq., C.I.E., Secretary to the Government of India, to the Chief Secretary to the Government of Bengal,—No. 2196, dated the 10th November 1892. No. 17.

In continuation of my letter No. 1537, dated the 27th May 1892, I am directed to forward the accompanying extracts* from a Despatch No. 85 (Public), dated 31st August 1892, from the Secretary of State, sanctioning a revised set of rules under section 6 of the Statute of 1870, 33 Vict., cap. 3, for the appointment of Natives of India to offices reserved for members of the Indian Civil Service. A copy of the revised rules as issued by the Government of India with Home Department Notification No. 2159, dated the 2nd instant, is also enclosed for the information of the Bengal Government, and I am to convey the following remarks and instructions for future guidance in connection with them.

* Omitting paragraphs 3 and 4.

2. Rule 1 is in accordance with the orders contained in paragraph 8 of this Department's Resolution No. $\frac{9 \text{ Public}}{1342-1352}$, dated the 21st April 1892, which authorize the Local Government to nominate, without reference to the Government of India, members of the Bengal Provincial Civil Service to any office listed as open to that Service with the exception of the headship of a District or a district and Sessions Judgeship, in cases in which the vacancy to be filled in the latter offices is permanent or for a period of more than three months. This rule, it will be observed, applies only to the appointment to reserved posts of members of the Provincial Civil Service, including of course such Statutory Civilians as may have been transferred to that Service or as may now avail themselves of the option of joining it offered in paragraph 7 of my letter of the 27th May last.

3. The case of Statutory Civilians who elect to remain in their present position will be governed by Rule 2 of the enclosed Rules under which the previous sanction of the Governor General in Council is required to their appnintment to any listed post. As explained in my letter of the 27th May (paragraph 7), such Statutory Civilians hold appointments outside both the Covenanted and Provincial Civil Services, and the effect of Rule 2 is to continue in their case the principle of the existing orders† regulating their promotion. The sanction of the Government of India will not be required to promotions merely from grade to grade which do not involve a change in the duties and responsibilities discharged, such as that of a Joint Magistrate and Deputy Collector, 2nd grade, to be a Joint Magistrate and Deputy Collector, 1st grade. These promotions may continue to be made by the Local Government of its own motion. The sanction of the Government of India will, however, be required before any promotion, however temporary, of a Statutory Civilian who remains in his present position, is made to the office of Magistrate and Collector, or Deputy Commissioner, or District and Sessions Judge, or to any other office such as that of Joint Magistrate and Deputy Collector (in the case of an Assistant Magistrate and Collector) or Under Secretary to Government, which is entered as a separate office in the Schedule to the Statute 24 and 25 Vict., cap. 54, or the duties of which differ in character from those of the substantive appointment of the officer whom it is proposed to promote.

† Telegram to the Government of Bengal, No. 304, dated the 8th May 1890, and letter No. 355, dated the 15th August 1892.

It has not been the practice hitherto to refer to the Government of India mere acting promotions to the grade of Joint Magistrate and Deputy Collector. As, however, these appointments are entered as separate offices in the Schedule to the Statute cited above, such sanction will in future be necessary under the terms of Rule 2. I am to say that references connected with these acting promotions will be regarded as of purely formal character, but the Government of India are precluded by the requirements of the rule as sanctioned by the Secretary of State in Council from dispensing with them.

4. In paragraph 5 of the Despatch the Secretary of State observes, with reference to Condition V of the conditions of recruitment for the Provincial Civil Service, set forth in paragraph 11 of my letter of 27th May last, that the admission of Europeans to the Provincial Service involves the question of their eligibility for the higher offices hitherto reserved for the Civil Service of India, which are named in the Resolution of the 21st April last as those specifically thrown open to the Provincial Civil Service. On this subject I am to invite a reference to paragraph 15 of Mr. MacDonnell's letter No. 302, dated the 14th February 1890. From the nature of the case Europeans who are not Natives of India within the definition contained in section 6 of the Statute, 33 Vict., cap. 3, cannot be appointed to any listed posts under the rules now promulgated, inasmuch as the rules themselves and the Statute under which they are framed only authorize the appointment of Natives of India, as defined in section 6, to posts ordinarily held by members of the Indian Civil Service. If it is considered desirable at any time, in the public interests, to appoint a European member of the Provincial Service to any of the listed posts, the appointment, in a Regulation Province, can only be made in accordance with the procedure of sections 3 and 4 of the Civil Service Statute of 1861 (24 and 25

Vict., cap. 54), if the office in question is entered in the Schedule to that Statute. In the non-Regulation Provinces, or in the Regulation Provinces if the office in question is not a "Scheduled" post, but only reserved for members of the Indian Civil Service by executive order, the appointment of a European member of the Provincial Service can only be made with the previous sanction, as an executive measure, of the Secretary of State.

5. The Government of India desire to take this opportunity of issuing instructions regarding the manner in which Statutory Civilians and officers of the Provincial Service who hold posts ordinarily reserved for the Civil Service of India, should be shown in the Quarterly Civil Lists. It is desirable that the practice in this matter should be uniform in all Provinces, so that the number and proportion of reserved posts which are held by persons who are not members of the Indian Civil Service may be readily ascertainable on a reference to the Civil Lists. I am accordingly to convey the following instructions and to request that they may be carefully observed in future issues of the Quarterly Civil Lists :—

(1) The Statutory Civilians who elect to remain in their present position and do not join the Provincial Service should be shown in a separate list, immediately after the Civil Service gradation list. Their names should also be retained in italics, and without serial numbers, in their appropriate places, determined according to the date of their confirmation * in the gradation list of the Indian Civil Service, so that their relative position for promotion as compared with Indian Civilians may be quite clear.

* Letter to the Government of Bengal, No. 302, dated the 14th February 1890 (paragraph 11).
Letter to the Government of Bengal, No. 1480, dated the 31st July 1890.
Letter to the Government of Bengal, No. 1537, dated 28th May 1892 (paragraph 7).

These orders supersede all previous orders on this subject. The present practice in the matter of showing the names of Statutory Civilians in the Civil Lists is different in different Provinces. In the Bengal Civil List, corrected up to 1st October 1892, there is a separate list of Statutory Civilians at pages 36 to 39, but their names are not shown in italics in the Civil Service gradation list. The Civil List for the North-Western Provinces and Oudh, corrected to the 1st October 1892, follows the arrangement which the Government of India would now be glad to see generally adopted.

(2) The names of the Statutory Civilians who join the Provincial Service should be removed from the list of Statutory Civilians and entered in their proper places in the list of members of the Provincial Service. A note should be added against their names (or some distinctive mark or letter, such as Ex-S., referring to a note) explaining that they are ex-Statutory Civilians transferred to the Provincial Service, and that they have, *cæteris paribus*, a preferential claim to promotion to listed posts over other equally qualified members of the Provincial Service, as explained in the letters cited in the margin above.

(3) After the list of Statutory Civilians who retain their present position there should be a list showing the names of those members of the Provincial Service who are holding substantively or officiating in posts ordinarily reserved for the Civil Service of India, listed as open to the Provincial Service. The posts which they are holding or in which they are officiating should also be shown.

(4) As regards the reserved offices inferior to the headship of a district which have been amalgamated with the grades of Deputy Collectors (paragraph 6 of Resolution of 21st April 1892), it probably will not be possible to show the incumbents by name. A note should accordingly be added after the list of Provincial Service officers referred to above in sub-paragraph (3) specifying the *number* of such transferred offices which are held by members of the Provincial Service. I am also to refer you to the latter part of paragraph 9 of the Resolution of the 21st April last, and again to invite the attention of the Bengal Government to the necessity for showing the number of transferred appointments against the grades of the Provincial Service to which they are attached.

(5) There remains the case of exceptional appointments—permanent or officiating—to reserved posts of persons (other than members of the Civil Service of India or the Non-Regulation Commissions) who are neither Statutory Civilians nor members of the Provincial Service. An example of such appointments would be that of a barrister to a Judicial post otherwise than under the rules relating to the Provincial Services; other appointments to offices which are included in the cadre of recruitment for the Indian Civil Service might also occasionally be made with the sanction of the Secretary of State. Such appointments are quite exceptional, but the Government of India desire that where they exist they should be separately shown in the Civil Lists, and I am to request that they may be shown in future immediately after the list of Provincial Service officers holding reserved posts referred to above.

6. It is understood that the Notification suggested in paragraph 9 of the Resolution of the 21st April has not yet been issued by the Bengal Government. I am to request that it

may now be issued, the Provincial Service in the Lower Provinces being designated the "Bengal Provincial Civil Service" in conformity with the wording of the rules sanctioned by the Secretary of State.

From C. J. LYALL, Esq., C.I.E., Secretary to the Government of India, to the Chief Secretary to the Government of the North-Western Provinces and Oudh,—No. 2197, dated the 10th November 1892. No. 18.

In continuation of my letter No. 1538, dated the 27th May 1892, I am directed to forward the accompanying extracts* from a Despatch No. 85 (Public), dated 31st August 1892, from the Secretary of State, sanctioning a revised set of rules under section 6 of the Statute of 1870, 33 Vict., cap. 3, for the appointment of Natives of India to offices reserved for members of the Indian Civil Service. A copy of the revised rules as issued by the Government of India with Home Department Notification No. 2159, dated the 2nd instant, is also enclosed for the information of the Government of the North-Western Provinces and Oudh, and I am to convey the following remarks and instructions for future guidance in connection with them.

* Omitting paragraphs 3 and 4.

2. Rule 1 is in accordance with the orders contained in paragraph 8 of this Department's Resolution No. $\frac{9 \text{ Public}}{1342-1352}$, dated the 21st April 1892, which authorize the Local Government to nominate, without reference to the Government of India, members of the North-Western Provinces and Oudh Provincial Civil Service to any office listed as open to that service with the exception of the headship of a district or a District and Sessions Judgeship, in cases in which the vacancy to be filled in the latter offices is permanent or for a period of more than three months. This rule, it will be observed, applies only to the appointment to reserved posts of members of the Provincial Civil Service, including of course such Statutory Civilians as may have been transferred to that Service or as may now avail themselves of the option of joining it offered in paragraph 5 of my letter of the 27th May last.

3. The case of Statutory Civilians who elect to remain in their present position will be governed by Rule 2 of the enclosed rules, under which the previous sanction of the Governor General in Council is required to their appointment to any listed post. As explained in my letter of the 27th May last (paragraph 5), such Statutory Civilians hold appointments outside both the Covenanted and the Provincial Civil Services, and the effect of Rule 2 is to continue in their case the principle of the existing orders† regulating their promotion. The sanction of the Government of India will not be required to promotions merely from grade to grade which do not involve a change in the duties and responsibilities discharged, such as that of a Joint Magistrate or Assistant Commissioner, 2nd grade, to be a Joint Magistrate or Assistant Commissioner, 1st grade. These promotions may continue to be made by the Local Government of its own motion. The sanction of the Government of India will, however, be required before any promotion, however temporary, of a Statutory Civilian who remains in his present position is made to the office of Magistrate and Collector or Deputy Commissioner or District and Sessions Judge or to any other office such as that of Joint Magistrate, which is entered as a separate office in the Schedule to the Statute, 24 and 25 Vict., cap. 54, or the duties of which differ in character from those of the substantive appointment of the officer whom it is proposed to promote.

† Telegram to the Government of the North-Western Provinces and Oudh, dated the 1st September 1890.

It has not been the practice hitherto to refer for the sanction of the Government of India mere acting promotions to the grade of Joint Magistrate. As, however, this appointment is entered as a separate office in the Schedule to the Statute cited above, such sanction will in future be necessary under the terms of Rule 2. I am to say that references on the subject of these acting promotions will be regarded as of a purely formal character, but the Government of India are precluded by the requirements of the rule as sanctioned by the Secretary of State in Council from dispensing with them.

4. In paragraph 5 of the Despatch the Secretary of State observes, with reference to Condition V of the conditions of recruitment for the Provincial Civil Service set forth in paragraph 9 of my letter of 27th May last, that the admission of Europeans to the Provincial Service involves the question of their eligibility for the higher offices hitherto reserved for the Civil Service of India, which are named in the Resolution of the 21st April last as those specifically thrown open to the Provincial Civil Service. On this subject I am to invite a reference to paragraph 14 of Mr. MacDonell's letter No. 303, dated the 14th February 1890. From the nature of the case Europeans who are not Natives of India within the definition contained in Section, 6 of the statute, 33 Vict., cap. 3, cannot be appointed to any listed posts

under the rules now promulgated, inasmuch as the rules themselves and the Statute under which they are framed only authorize the appointment of Natives of India, as defined in section 6, to posts ordinarily held by members of the Indian Civil Service. If it is considered desirable at any time in the public interests to appoint a European member of the Provincial Service to any of the listed posts, the appointment, in a Regulation Province, can only be made in accordance with the procedure of sections 3 and 4 of the Civil Service Statute of 1861 (24 and 25 Vict., capt. 54), if the office in question is entered in the Schedule to that Statute. In the non-Regulation Provinces, or in the Regulation Provinces if the office in question is not a "Scheduled" posts, but only reserved for members of the Indian Civil Service by executive order, the appointment of a European member of the Provincial Service can only be made with the previous sanction, as an executive measure, of the Secretary of State.

5. The Government of India desire to take this opportunity of issuing instructions regarding the manner in which Statutory Civilians and officers of the Provincial Service, who hold posts ordinarily reserved for the Civil Service of India, should be shown in the Quarterly Civil Lists. It is desirable that the practice in this matter should be uniform in all Provinces, so that the number and proportion of reserved posts which are held by persons who are not members of the Indian Civil Service may be readily ascertainable on a reference to the Civil Lists. I am accordingly to convey the following instructions, and to request that they may be carefully observed in future issues of the Quarterly Civil Lists:—

(1) The Statutory Civilians who elect to remain in their present position and do not join the Provincial Service, should be shown in a separate list, immediately after the Civil Service gradation list. Their names should also be retained in italics, and without serial numbers, in their appropriate places, determined according to the date of their confirmation* in the gradation list of the Indian Civil Service, so that their relative position for promotion as compared with Indian Civilians may be quite clear.

* Letter to the Government of the North-Western Provinces and Oudh, No. 303, dated the 24th February 1890 (paragraph 11).
Letter to the Government of the North-Western Provinces and Oudh, No. 1481, dated the 31st July 1890.
Letter to the Government of the North-Western Provinces and Oudh, No. 1538, dated the 27th May 1892 (paragraph 5).
Letter to the Government of the North-Western Provinces and Oudh, No. 2124, dated the 24th October 1892 (paragraph 11).

These orders supersede all previous orders on this subject. The present practice in the matter of showing the names of Statutory Civilians in the Civil Lists is different in different Provinces, but the North-Western Provinces and Oudh Civil List, corrected up to 1st October 1892, follows the arrangement which the Government of India would now be glad to see generally adopted.

(2) The names of the Statutory Civilians who join the Provincial Service should be removed from the list of Statutory Civilians and entered in their proper places in the list of members of the Provincial Service. A note should be added against their names (or some distinctive mark or letter, such as Ex-S., referring to a note) explaining that they are ex-Statutory Civilians transferred to the Provincial Service, and that they have, *cæteris paribus*, a preferential claim to promotion to listed posts over other equally qualified members of the Provincial Service, as explained in the letters cited in the margin above.

(3) After the list of Statutory Civilians who retain their present position there should be a list showing the names of those members of the Provincial Service who are holding substantively or officiating in posts ordinarily reserved for the Civil Service of India listed as open to the Provincial Service. The posts which they are holding or in which they are officiating should also be shown.

(4) As regards the reserved offices inferior to the headship of a district which have been amalgamated with the grades of Deputy Collectors (paragraph 6 of Resolution of 21st April 1892), it probably will not be possible to show the incumbents by name. A note should accordingly be added after the list of Provincial Service officers referred to above in sub-paragraph (3) specifying the *number* of such transferred offices which are held by members of the Provincial Service. I am also to refer you to the latter part of paragraph 9 of the Resolution of the 21st April last, and again to invite the attention of the Government of the North-Western Provinces and Oudh to the necessity for showing the number of transferred appointments against the grades of the Provincial Service to which they are attached.

(5) There remains the case of exceptional appointments—permanent or officiating—to reserved posts of persons (other than members of the Civil Service of India or the non-Regulation Commissions) who are neither Statutory Civilians nor members of the Provincial Service An example of such appointments would be that of a barrister to a Judicial post otherwise than under the rules relating to the Provincial Services; other appointments to offices which are included in the cadre of recruitment for the Indian Civil Service might also occasionally be

made with the sanction of the Secretary of State. Such appointments are quite exceptional, but the Government of India desire that where they exist they should be separately shown in the Civil Lists, and I am to request that they may be shown in future immediately after the list of Provincial Service officers holding reserved posts referred to above.

6. It is understood that the Notification suggested in paragraph 9 of the Resolution of the 21st April has not yet been issued by the North-Western Provinces and Oudh Government. I am to request that it may now be issued, the Provincial Service in the North-Western Provinces and Oudh being designated the "North-Western Provinces and Oudh Provincial Civil Service" in conformity with the wording of the rules sanctioned by the Secretary of State.

From C. J. LYALL, Esq., C.I.E., Secretary to the Government of India, to the Chief Secretary to the Government of the Punjab,—No. 2198, dated the 10th November 1892. No. 19.

In continuation of my letter No. 1543, dated the 28th May 1892, I am directed to forward the accompanying extracts* from a Despatch No. 85 (Public), dated 31st August 1892, from the Secretary of State, sanctioning a revised set of rules under section 6 of the Statute of 1870, 33 Vict., cap. 3, for the appointment of Natives of India to offices reserved for members of the Indian Civil Service. A copy of the revised rules as issued by the Government of India with Home Department Notification No. 2159, dated the 2nd instant, is also enclosed for the information of the Punjab Government, and I am to say that the Governor General in Council is pleased to authorize their extension to the Punjab, in supersession of the rules published with this Department's Notification No. 1534, dated the 22nd August 1879. I am also to convey the following remarks and instructions for future guidance in connection with them.

* Omitting paragraph 4.

2. Rule 1 is in accordance with orders contained in paragraph 8 of this Department's Resolution No. $\frac{9 \text{ Public}}{1342-1352}$, dated the 21st April 1892, which authorise the Local Government to nominate, without reference to the Government of India, members of the Punjab Provincial Civil Service to any office listed as open to that Service with the exception of certain high offices in cases in which the vacancy to be filled in them is permanent or for a period of more than three months. In the Punjab the rule will be read as requiring the previous sanction of the Government of India to appointments to headships of districts and Divisional Judgeships, except in cases of short vacancies for three months or less. This rule, it will be observed, applies only to the appointment to reserved posts of members of the Provincial Civil Service, including of course such Statutory Civilians as may have been transferred to that Service or as may now avail themselves of the option of joining it offered in paragraph 7 of my letter of the 28th May last.

3. The case of Statutory Civilians who elect to remain in their present position will be governed by Rule 2 of the enclosed rules, under which the previous sanction of the Governor General in Council is required to their appointment to any listed post. As explained in my letter of the 28th May (paragraph 7), such Statutory Civilians hold appointments outside both the Covenanted and the Provincial Civil Services, and the effect of Rule 2 is to continue in their case the principle of the existing orders * regulating their promotion. The sanction of the Government of India will not be required to promotions merely from grade to grade, which do not involve a change in the duties and responsibilities discharged, such as that of an Assistant Commissioner, 2nd grade, to be an Assistant Commissioner, 1st grade. These promotions may continue to be made by the Local Government of its own motion. The sanction of the Government of India will, however, be required before any promotion, however temporary, of a Statutory Civilian who remains in his present position is made to the office of Deputy Commissioner, or District Judge, or to any other office which is entered as a separate office in the Schedule to the Statute, 24 and 25 Vict., cap. 54, or the duties of which differ in character from those of the substantive appointment of the officer whom it is proposed to promote.

* Letter to the Government of the Punjab, No. 355, dated the 24th September 1891.

4. In paragraph 5 of the Despatch the Secretary of State observes with reference to Condition V of the conditions of recruitment for the Provincial Civil Service set forth in paragraph 11 of my letter of the 28th May last, that the admission of Europeans to the Provincial Service involves the question of their eligibility for the higher offices hitherto reserved for the Civil Service of India, which are named in the Resolution of the 21st April last as those specifically thrown open to the Provincial Civil Service. On this subject I am to invite a reference to paragraph 15 of Mr. MacDonnell's letter No. 304, dated the 14th February 1890. From the nature of the case Europeans who are not Natives of India within the definition contained

in Section 6o the Statute, 33 Vict., cap. 3, cannot be appointed to any listed posts under the rules now promulgated, inasmuch as the rules themselves and the Statute under which they are framed, only authorize the appointment of Natives of India, as defined in section 6, to posts ordinarily held by members of the Indian Civil Service. If it is considered desirable at any time in the public interests to appoint a European member of the Provincial Service to any of the listed posts, the appointment, in a Regulation Province, can only be made in accordance with the procedure of sections 3 and 4 of the Civil Service Statute of 1861 (24 and 25 Vict., cap. 54), if the office in question is entered in the Schedule to that Statute. In the non-Regulation Provinces there are very few offices of this description. In the case of offices which are not "Scheduled" posts, but merely reserved for members of the Indian Civil Service by executive order, the appointment of a European member of the Provincial Service can only be made with the previous sanction, as an executive measure, of the Secretary of State.

5. The Government of India desire to take this opportunity of issuing instructions regarding the manner in which Statutory Civilians and officers of the Provincial Service who hold posts ordinarily reserved for the Civil Service of India, should be shown in the Quarterly Civil Lists. It is desirable that the practice, in this matter should be uniform in all Provinces, so that the number and proportion of reserved posts which are held by persons who are not members of the Indian Civil Service or of the non-Regulation Commissions, may be readily ascertainable on a reference to the Civil Lists. I am accordingly to convey the following instructions, and to request that they may be carefully observed in future issues of the Quarterly Civil Lists :—

(1) The Statutory Civilians who elect to remain in their present position and do not join the Provincial Service, should be shown in a separate list, immediately after the Civil Service gradation list. Their names should also be entered in italics, without a serial number, in their appropriate places, determined according to the date of their confirmation* in the gradation list of the Civil Service, so that their relative position for promotion as compared with Indian Civilians and members of the Commission may be quite clear.

* Letter to the Government of the Punjab, No. 304, dated the 14th February 1890 (paragraph 11).

Letter to the Government of the Punjab, No. 1482, dated the 31st July 1890.

Letter to the Government of the Punjab, No. 1543, dated the 28th May 1892 (paragraph 7).

These orders supersede all previous orders on this subject. The present practice in the matter of showing the names of Statutory Civilians in the Civil Lists is different in different Provinces. In the Punjab Civil List, corrected up to 1st October 1892, there is no separate list of Statutory Civilians, but their names are shown in the gradation list of officers in the Commission.

(2) The names of the Statutory Civilians who join the Provincial Service should be removed from the list of Statutory Civilians and entered in their proper places in the list of members of the Provincial Service. A note should be added against their names (or some distinctive mark or letter, such as Ex S., referring to a note) explaining that they are ex-Statutory Civilians transferred to the Provincial Service, and that they have, *cæteris paribus*, a preferential claim to promotion to listed posts over other equally qualified members of the Provincial Service as explained in the letters cited in the margin above.

(3) After the list of Statutory Civilians who retain their present position, there should be a list showing the names of those members of the Provincial Service who are holding substantively or officiating in posts ordinarily reserved for the Civil Service of India and the Commission listed as open to the Provincial Service. The posts which they are holding or in which they are officiating should also be shown.

(4) As regards the reserved offices inferior to the headship of a district which have been amalgamated with the grades of Extra Assistant Commissioners (paragraph 6 of Resolution of 21st April 1892), it probably will not be possible to show the incumbents by name. A note should accordingly be added after the list of Provincial Service officers referred to above in sub-paragraph (3), specifying the *number* of such transferred offices which are held by members of the Provincial Service. I am also to refer you to the latter part of paragraph 9 of the Resolution of the 21st April last, and again to invite the attention of the Punjab Government to the necessity for showing the number of transferred appointments against the grades of the Provincial Service to which they are attached.

(5) There remains the case of exceptional appointments—permanent or officiating—to reserved posts of persons (other than members of the Civil Service of India or the non-Regulation Commissions) who are neither Statutory Civilians nor members of the Provincial Service. An example of such appointments would be that of a barrister to a Judicial post otherwise than

under the rules relating to the Provincial Services; other appointments to offices which are included in the cadre of recruitment for the Indian Civil Service might also occasionally be made with the sanction of the Secretary of State. Such appointments are quite exceptional, but the Government of India desire that where they exist they should be separately shown in the Civil Lists, and I am to request that they may be shown in future immediately after the list of Provincial Service officers holding reserved posts referred to above.

6. It is understood that the Notification suggested in paragraph 9 of the Resolution of the 21st April has not yet been issued by the Punjab Government. I am to request that it may now be issued, the Provincial Service in the Punjab being designated "Punjab Provincial Civil Service" in conformity with the wording of the rule sanctioned by the Secretary of State.

7. From paragraph 3 of the Despatch enclosed, the Punjab Government will observe that the Secretary of State has sanctioned the re-organization of the Provincial Judicial and Executive Services proposed in paragraph 7 of Mr. Fanshawe's letter of the 8th July 1890. The Secretary of State's sanction was received on the 21st September 1892.

From C. J. LYALL, Esq., C. I. E., Secretary to the Government of India, to the Chief Commissioner of the Central Provinces,— No. 2199, dated the 10th November 1892. No. 20.

In continuation of my letter No. 1539, dated the 27th May 1892, I am directed to forward the accompanying extracts* from a Despatch No. 85 (Public), dated 31st August 1892, from the Secretary of State, sanctioning a revised set of rules under section 6 of the Statute of 1870, 33 Vict., cap. 3, for the appointment of Natives of India to offices reserved for members of the Indian Civil Service. A copy of the revised rules as issued by the Government of India with Home Department Notification No. 2159, dated the 2nd instant, is also enclosed for your information, and I am to say that the Governor General in Council is pleased to authorize their extension to the Central Provinces in supersession of the rules published with this Department's Notification No. 1534, dated the 22nd August 1879. I am also to convey the following remarks and instructions for future guidance in connection with them.

* Omitting paragraphs 3 and 4.

2. Rule 1 is in accordance with the orders contained in paragraph 8 of this Department's Resolution No. $\frac{9 \text{ Public}}{1342\text{-}1352}$, dated the 21st April 1892, which authorize the Local Administration to nominate, without reference to the Government of India, members of the Provincial Civil Service to any office listed as open to that Service with the exception of the headship of a district or of an equivalent judicial office in cases in which the vacancy to be filled in the latter offices is permanent or for a period of more than three months. This rule, it will be observed, applies only to the appointment to reserved posts of members of the Provincial Civil Service, including such Statutory Civilians as may avail themselves of the option of joining it offered in paragraph 4 of my letter of the 27th May last.

3. The case of Statutory Civilians who elect to remain in their present position will be governed by Rule 2 of the enclosed rules, under which the previous sanction of the Governor General in Council is required to their appointment to any listed post. As explained in my letter of the 27th May last (paragraph 4) such Statutory Civilians hold appointments outside both the Covenanted and the Provincial Civil Services, and the effect of Rule 2 is to continue in their case the principle of the existing orders† regulating their promotion. The sanction of the Government of India will not be required to promotions merely from grade to grade which do not involve a change in the duties and responsibilities discharged, such as that of an Assistant Commissioner, 2nd class, to be an Assistant Commissioner, 1st class. These promotions may continue to be made by the Local Administration of its own motion. The sanction of the Government of India will, however, be required before any promotion, however temporary, of a Statutory Civilian who remains in his present position, is made to the office of Deputy Commissioner, or to any other office which is entered as a separate office in the Schedule to the Statute 24 and 25 Vict., cap. 54, or the duties of which differ in character from those of the substantive appointment of the officer whom it is proposed to promote.

† Letter to the Chief Commissioner of the Central Provinces, No. 354, dated the 24th September 1891.

4. In paragraph 5 of the Despatch the Secretary of State observes, with reference to Condition V of the conditions of recruitment for the Provincial Civil Service set forth in paragraph 6 of my letter of the 27th May last, that the admission of Europeans to the Provincial Service involves the question of their eligibility for the higher offices hitherto reserved for the Civil Service of India. On this subject I am to invite a reference to paragraph 14 of this Depart-

ment's letter No. 305, dated the 14th February 1890. From the nature of the case Europeans who are not Natives of India within the definition contained in section 6 of the Statute 33 Vict., cap. 3, cannot be appointed to any listed posts under the rules now promulgated, inasmuch as the rules themselves and the Statute under which they are framed only authorize the appointment of Natives of India, as defined in section 6, to posts ordinarily held by members of the Indian Civil Service. If it is considered desirable at any time in the public interests to appoint a European member of the Provincial Service to any of the listed posts, the appointment can only be made with the previous sanction of the Secretary of State.

5. The Government of India desire to take this opportunity of issuing instructions regarding the manner in which Statutory Civilians and officers of the Provincial Service who hold posts ordinarily reserved for the Civil Service of India, should be shown in the Quarterly Civil Lists. It is desirable that the practice in this matter should be uniform in all Provinces, so that the number and proportion of reserved posts which are held by persons who are not members of the Indian Civil Service or of the non-Regulation Commissions may be readily ascertainable on a reference to the Civil Lists. I am accordingly to convey the following instructions, and, to request that they may be carefully observed in future issues of the Quarterly Civil Lists:—

(1) The Statutory Civilians who elect to remain in their present position and do not join the Provincial Service, should be shown in a separate list, immediately after the Civil Service gradation list. Their names should also be retained in italics, but without a serial number, in their appropriate places, determined according to the date of their confirmation* in the gradation list of the Civil Service, so that their relative position for promotion as compared with Indian Civilians and members of the Commission may be quite clear. These instructions supersede all previous orders on this subject.

* Letter to the Chief Commissioner of the Central Provinces, No. 305, dated the 14th February 1890 (paragraph 11).
Letter to the Chief Commissioner of the Central Provinces, No. 1483, dated the 31st July 1890.
Letter to the Chief Commissioner of the Central Provinces, No. 1539, dated the 27th May 1892 (paragraph 4.)

(2) The names of the Statutory Civilians who join the Provincial Service should be removed from the list of Statutory Civilians and entered in their proper place in the list of members of the Provincial Service. A note should be added against their names (or some distinctive mark or letter, such as Ex-S., referring to a note) explaining that they are ex-Statutory Civilians transferred to the Provincial Service, and that they have, *cæteris paribus*, a preferential claim to promotion to listed posts over other equally qualified members of the Provincial Service as explained in the letters cited in the margin above.

(3) After the list of Statutory Civilians who retain their present position there should be a list showing the names of those members of the Provincial Service who are holding substantively or officiating in posts ordinarily reserved for the Civil Service of India or the Commission listed as open to the Provincial Service. The posts which they are holding or in which they are officiating should also be shown.

(4) As regards the reserved offices inferior to the headship of a district which have been amalgamated with the grades of Extra Assistant Commissioners (paragraph 6 of the Resolution of 21st April 1892), it probably will not be possible to show the incumbents by name. A note should accordingly be added after the list of Provincial Service officers referred to above in sub-paragraph (3), specifying the *number* of such transferred offices which are held by members of the Provincial Service. I am also to refer you to the latter part of paragraph 9 of the Resolution of the 21st April last, and to invite your attention to the necessity for showing the number of transferred appointments against the grades of the Provincial Service to which they are attached.

(5) There remains the case of exceptional appointments— permanent or officiating— to reserved posts of persons (other than members of the Civil Service of India or the non-Regulation Commissions) who are neither Statutory Civilians nor members of the Provincial Service. An example of such appointments would be that of a barrister to a Judical post otherwise than under the rules relating to the Provincial Services; other appointments to offices which are included in the cadre of recruitment for the Indian Civil Service might also occasionally be made with the sanction of the Secretary of State. Such appointments are quite exceptional, but the Government of India desire that where they exist they should be separately shown in the Civil Lists, and I am to request that they may be shown in future immediately after the list of Provincial Service officers holding reserved posts referred to above.

6. The Notification suggested in paragraph 9 of the Resolution of the 21st April should be issued by you as soon as you receive orders on your letters marginally noted regarding the constitution of the Provincial Service in the Central

No. 3567, dated the 28th May 1892.
No. 3965, dated the 13th June 1892.

Provinces. I am to suggest that the Provincial Service in the Central Provinces should be designated the "Central Provinces Provincial Civil Service" in conformity with the wording of the rules sanctioned by the Secretary of State.

From the Right Honourable Her Majesty's Secretary of State for India, to His Excellency the Most Honourable the Governor General of India in Council,—No. 111 (Public), dated the 17th November 1892. No. 21.

I have considered in Council the letter of your Government, No. 62, dated the 13th September last, on the subject of the constitution of the Provincial Service in the Central Provinces, and of the opening to that Service of appointments hitherto reserved for members of the Commission.

2. I approve of your proposals as to the posts to be placed on the list of appointments open to the Provincial Service, and as to the salaries to be received by members of that Service holding those offices.

3. I sanction the proposed addition of four Extra Assistant Commissioners, and the re-adjustment of the grades of the Extra Assistant Commissioners' branch. And I observe that you propose to sanction (with certain slight modifications which you consider necessary) the remaining proposals of the Chief Commissioner regarding the recruitment of the Provincial Service and the place where the line between the superior and subordinate Service should be drawn.

From C. J. Lyall, Esq., C.I.E., Secretary to the Government of India, to the Chief Commissioner of the Central Provinces,—No. 46, dated the 7th January 1893. No. 22.

With reference to your letters noted in the margin regarding the constitution of the Provincial Service in the Central Provinces and the transfer to that Service of appointments hitherto reserved for members of the Indian Civil Service, I am now directed to forward a copy of correspondence* with the Secretary of State, from which you will see that your proposals, as modified by the Government of India, in regard to the posts to be placed on the list of appointments open to the Provincial Service and the salaries to be attached to them, and to the re-organization of the grades of Extra Assistant Commissioners, have received His Lordship's sanction. I am to invite attention to paragraph 3 of the Despatch to the Secretary of State, and to say that although only one Deputy Commissionership will now be formally listed as open to the Provincial Service in the Central Provinces, the Governor General in Council authorizes you to appoint a Statutory Civilian or a member of the Provincial Service to the charge of a second district whenever you consider this to be necessary. I am at the same time to convey the following remarks with regard to the other points referred by you.

No. 3567, dated 28th May 1892.
No. 3965, dated 13th May 1892.

* To the Secretary of State, No. 62 (Public), dated 13th September 1892.
From the Secretary of State, No. 111 (Public), dated 17th November 1892.

2. The draft rules for the recruitment of the Provincial Service, submitted with your letter of the 13th June last, are, with the exception of Rule II, approved by the Government of India. The requirement embodied in this rule, that an officer of the Subordinate Service must be qualified under condition (*e*) of Rule I—*viz.*, that he must have passed the B. A. Examination at a University—before he may be promoted to the Provincial Service, appears to the Government of India to be open to objection. Under Rule III this condition is not imposed in the case of Police officers, and it does not appear necessary to place members of the Subordinate Service upon a different footing. This condition, it is observed, was not imposed by Rule VI of the Rules issued under your Notification of the 17th November 1890. I am to suggest, therefore, that it should be omitted from draft Rule II.

3. For the reasons given in the letter of the 13th June last the Government of India accept your view that the Executive and Judicial branches of the Provincial Service cannot at present be separately recruited for. They approve, however, of the rule proposed in paragraph 7 of the letter, that Extra Assistant Commissioners should be given a choice between Executive and Judicial work in their seventh year of service, subject to the ratification of the choice by the Local Administration, and to your right to put an officer to any work for which he is fitted or is required.

4. The Governor General in Council approves of the rules for admission to the Subordinate Service in force in the Central Provinces.

5. I am in conclusion to invite attention to paragraph 6 of my letter No. 2199, dated the 10th November 1892, and to suggest that the list of appointments open to the Central Provinces Provincial Civil Service should now be notified.

No. 23. *Extract from the Proceedings of the Government of India in the Home Department (Public),—dated the 7th January 1893.*

Read—

Home Department Resolution No. $\frac{9 \text{ Public}}{1342-1352}$, dated the 21st April 1892, conveying the orders of the Government of India on the proposals of the Public Service Commission in regard to the constitution of the Provincial (Executive and Judicial) Services.

Letter to the Chief Commissioner, Central Provinces, No. 1539, dated the 27th May 1892, conveying the orders of the Government of India on certain points in connection with the constitution of the Provincial Service in the Central Provinces.

Letter from the Chief Commissioner, Central Provinces, No. 3567, dated the 28th May 1892, offering his views on the subject of the constitution of the Provincial Service in those Provinces.

Letter from the Chief Commissioner, Central Provinces, No. 3965, dated the 13th June 1892, on the same subject.

The Despatch of the Government of India, to the Secretary of State, No. 62, dated the 13th September 1892, stating the conclusions arrived at by the Government of India on the subject.

The reply of the Secretary of State, No. 111, dated the 17th November 1892, concurring in the conclusions set forth by the Government of India.

RESOLUTION.

In paragraph 4 of the Home Department Resolution of the 21st April last, cited in the preamble enumerating the appointments in the different Provinces which should, for the present, be entered in the list as open to the Provincial Service, it was stated that, before passing orders as to the Central Provinces, His Excellency would await a further expression of Mr. MacDonnell's views on the question. After carefully considering the Chief Commissioner's suggestions, the Governor General in Council has now, with the approval of the Secretary of State, determined that the following posts in those Provinces shall, for the present, be placed on the list of appointments open to the Provincial Service :—

Head of District	1
Small Cause Court Judges	2
Registrar, Judicial Commissioner's Court	1
Assistant to Settlement Commissioner	1
Assistant Commissioners	2
TOTAL	7

2. The rates of pay fixed for officers of the Provincial Service holding the headship of a district and the Small Cause Court Judgeships are as follows :—

	R
Deputy Commissioners	1,600 for the 1st Grade. 1,200 „ 2nd „ 1,000 „ 3rd „
Small Cause Court Judges	800 700

But these rates of pay will be liable to alteration at any time should the interests of the Public Service require it.

The Governor General in Council has decided, with the approval of the Secretary of State, to amalgamate the remaining appointments with the existing grades of Extra Assistant Commissioners. They will be distributed as follows among these grades, when the prior claims of the existing Statutory Civilians and of the officers of the Indian Civil Service or the Commission have, as explained in paragraph 6 of the Resolution of 21st April 1892, been satisfied.

	R
One post in the 2nd grade (corresponding to Assistant Commissioner, 1st class)	600
„ 3rd „ „ „ „ 2nd „	500
„ 4th „ „ „ „ 3rd „	400
„ 5th „ „ „ „ 4th „	300

A local allowance of R100 will be attached to the office of Registrar of the Judicial Commissioner's Court and to that of Assistant to the Settlement Commissioner, when held by officers of the Provincial Service.

ORDER.—Ordered, that this Resolution be communicated to the Chief Commissioner, Central Provinces, that a copy, with copy of the Despatch from the Secretary of State, No. 111, dated the 17th November 1892, be forwarded to the Department of Finance, and that it be published in the *Gazette of India* for general information.

From H. J. S. COTTON, Esq., Officiating Chief Secretary to the Government of Bengal, Appointment Department, to the Secretary to the Government of India, Home Department,—No. 114-A.D., dated the 26th May 1892. No. 24.

I am directed to transmit the accompanying representation, dated the 21st instant, from the Honorary Secretary to the Indian Association, together with a copy of the printed Note therein referred to, drawn up by the Association on the recent Resolution of the Government of India on the Report of the Public Service Commission.

From BABU SURENDRANATH BANERJEA, Honorary Secretary, Indian Association, to the Secretary to the Government of India, Home Department,—dated the 21st May 1892.

I am directed by the Committee of the Indian Association to submit for the consideration of His Excellency the Viceroy in Council the enclosed copy of a Note drawn up by them on the Resolution which the Government has issued on the Report of the Public Service Commission.

The Committee beg leave respectfully to submit that, disappointing as were the recommendations of the Public Service Commission, having regard to the liberal character of the Statutory Rules of 1879, and, on the whole, the liberal spirit in which they were worked, the Resolution of Government falls short of these recommendations. The Public Service Commission recommended that 108 appointments should be thrown open to the Provincial Service. The Government of India has allotted only 86 appointments, with the further modification that two of the more important appointments, *viz.*, a Membership of the Board of Revenue and a Divisional Commissionership, which had been recommended by the Commission, have not been thrown open to the Provincial Service. It is universally admitted that natives of India possess speciai aptitude for Judicial work. But although the Public Service Commission recommended that one-third of the District and Session Judgeships should be thrown open to the Provincial Service, the Resolution of the Government of India has really placed one-fifth of these appointments at the disposal of the Provincial Service. The Committee desire respectfully to point out that the Resolution of Government is retrograde as compared with its own principles as laid down in the Statutory Rules of 1879, and which it has on the whole followed by appointing six Natives of India on an average every year to appointments hitherto reserved for the Covenanted Civil Service. Such a Resolution cannot be regarded as possessing "the necessary elements of finality" or doing "full justice to the claims of the natives of India to higher and more extensive employment in the Public Service." The Committee would therefore respectfully invite the Government to reconsider the Resolution with a view to make it more in harmony with the generous policy embodied in the Statutory Rules of 1879.

Note by the Indian Association on the Resolution of Government on the Report of the Public Service Commission.

The Government of India have now recorded their views on the Report of the Public Service Commission, and how far they are prepared to give effect to the recommendations of the Commission. It is but the simple truth to observe that the Report of the Commission was viewed with disappointment, and that it fell short of the public expectations. The Commission was appointed "to devise a scheme which may reasonably be hoped to possess the necessary elements of finality and to do full justice to the claims of the natives of India to higher and more extensive employment in the Public Service." It was felt, however, that the recommendations of the Commission, even if accepted to their fullest extent, would leave at least some problems for solution for happier and more auspicious times. The Indian public were not prepared to submit to the abolition of the Statutory Service except on the one condition of simultaneous examinations for the Indian Civil Service being held in India as well as in England. Grateful as the public were for the raising of the limit of age for the open competitive examination, they felt at the same time that it was a heavy price to pay for the virtual curtailment of concessions which had already been secured to them by the Statutory Rules then in operation. Ever since 1833 Statutes have been enacted, declarations have been made, and promises given on occasions the most solemn, and by persons the most illustrious, that natives of India shall be freely admitted to all offices in the service of their country, and that merit and not race shall be the test of qualification. Alluding to these solemn and oft-repeated promises, the Duke of Argyll said from his place in the House of Lords on March 11th, 1869 :—"With regard, however, to the employment of natives in the Government of their country in the Covenanted Service formerly of the Company and now of the Crown, I must say that we have not fulfilled our duty or the promises and engagements which we have made."

An attempt was made to fulfil this duty by the Act of 1870, which provided for the appointment by a process of selection of Natives of India of proved merit and ability to offices which had hitherto been reserved for the Indian Civil Service. But four years were allowed to pass before the Government found time to submit the necessary rules in connection with this Statute for the consideration of the Secretary of State, and nine years elapsed before a single appointment was made. The rules, however, were eventually passed; they were revised in 1875 under Lord Northbrook's Government, and again by Lord Lytton's Government in 1879, with the result that it was definitely promulgated under Home Government Notification No. 1534, dated 22nd August 1879, that a proportion not exceeding one-fifth of the total number of Civilians appointed by the Secretary of State to the Civil Service in any one year should be "Natives selected in India by Local Governments." At this rate the Statutory appointments for the whole of British India would be 7·56 per year, and, as a matter of fact, on an average six appointments were being made every year. It was at this stage that the Public Service Commission was appointed. They recommended the abolition of the Statutory Service which had been created in Lord Lytton's time under rules which have already been referred to, and its amalgamation with the Provincial Service, which is to consist of the Uncovenanted Service *plus* 108 appointments withdrawn from the Covenanted Civil Service. It would perhaps conduce to the elucidation of this question to reproduce here the recommendations of the Public Service Commission :—

"Recommendations regarding the Schedule attached to the Statute 24 and 25 Vict., cap. 54 : changes now advocated : Desirability of providing for alterations hereafter :—In order, however, to provide for the more extensive employment of Natives of India in offices hitherto reserved for the Covenanted Civil Service, the Commission recommends that the number of appointments reserved in the Schedule be reduced. With this view the Commission has given very careful consideration to the Schedule with reference both to the general evidence adduced before it in the course of its investigations, and more particularly to the opinions of the Local Governments from whom special inquiries were made on this point, and recommends that (assuming the Schedule to be extended to non-Regulation Provinces as proposed) the following should be excluded from the list of reserved appointments, the fractions being taken as nearly as may be, more or less :—

(1) Under-Secretaries to the several Governments in India.

(2) One-third of District and Civil and Sessions Judges or Chief Judicial Officers of districts; and in the Punjab, one-third of the officers aforesaid ofter deducting the proportion (one-fourth) reserved for military officers.

(3) One-third of the Joint and Assistant Judges in the Bombay Presidency.

(4) One-tenth of Magistrates or Chief Magisterial Officers of Districts (including Deputy Commissioners); and in the Punjab and Assam, one-tenth of the officers aforesaid, after deducting the proportion (one-fourth) reserved for military officers.

(5) One-sixth of Joint Magistrates in all Provinces.

(6) One Member of the Board of Revenue in the Madras Presidency, in the Lower Provinces of Bengal, and in the North-Western Provinces; and one of the Financial Commissioners in the Punjab.

(7) One (where there are more than one) of the Secretaries to the Board of Revenue (or Commissioners who constitute the Board of Revenue) in the Madras Presidency, in the Lower Provinces of Bengal, and in the North-Western Provinces; and the Secretary to the Financial Commissioner of the Punjab.

(8) One of the Revenue Officers of Divisions in all Provinces except Bombay and Assam.

(9) One-tenth of Collectors of Revenue or Chief Revenue Officers of districts, and in the Punjab and Assam one-tenth of the officers aforesaid, after deducting the proportion (one-fourth) reserved for military officers.

(10) One sixth of Deputy or Subordinate Collectors were combined with the office of Joint Magistrate in all Provinces.

(11) One-sixth of Assistant Collectors or Assistant Commissioners; and in the Punjab and Assam, one-sixth officers aforesaid, after deducting the proportion (one-fourth) reserved for military officers.

The effect of these proposals is to remove about 108 appointments from the list of appointments at present reserved in the Schedule and by the orders of the Secretary of State, a number in excess of the proportion of one-sixth of the same appointments thrown open under the Statutory Rules.

It is difficult to see how the Public Service Commission make out that the number which they recommend (108 appointments) is really "in excess of the proportion of one-sixth of the same appointments thrown open under the Statutory Rules." Looking at the matter from every possible point of view, the conclusion is irresistible that instead of the number of appointments recommended by the Commission being in excess of, it is actually less than, the number of higher appointments already secured to our countrymen. The Report itself discloses the fact that at the time when the Public Service Commission entered upon their labours, the Government, although pledged to appoint seven natives of India to the higher offices, were actually making six such appointments on an average every year. Assuming that the Government would not advance under the pressure of public opinion, but would continue to make no more than six appointments every year (a very unlikely assumption), then in the course of the lifetime of a generation, instead of 108, we should have about 200 appointments under the Statutory Rules. Then, again, the Covenanted Civil Service comprises about 940 officers. One-sixth the number would come up to 156, which is in excess of the 108 appointments recommended by the Public Service Commission. But disappointing as were these recommendations of the Public Service Commission, the orders of the Government of India are even far more unsatisfactory. Instead of accepting the principle involved in the Statutory Rules of 1879 and of the principle upon which it has acted since 1879, the Government has actually placed further limitations upon the recommendations of the Public Service Commission, both in respect of the number and quality of the appointments reserved for the natives of the country. The Provincial Service are not to have the 108 appointments which had been recommended by the Public Service Commission; they are to have only 86 appointments instead, the number recommended by the Public Service Commission being thus reduced by nearly 20 per cent. by the orders of Government. But not only in regard to number, but also in respect of the quality of appointments, there has been a belittling down of the recommendations of the Public Service Commission. The Commission had recommended that one Member of the Board of Revenue in Madras, in Bengal, and in the North-Western Provinces, or one of the Financial Commissioners in the Punjab should be selected from among the Provincial Service, and further, that one of the Divisional Commissionerships in all Provinces, except Bombay and Assam, should be thrown open to the same Service. The Government of India has apparently disallowed this part of the recommendations of the Commission, for in the Government Resolution these appointments are not included among those which are open to the members of the Provincial Service. A cursory examination of the Resolution of Government will suffice to show in what important respects it falls short of the recommendations of the Public Service Commission. Under the Government Resolution, the following appointments are declared as being open to the Provincial Service, province by province :—

"Madras: Heads of Districts, 2; Judges, 4; Sub-Collectors, 7; Secretary to Board of Revenue, 1; Under Secretary to Government, 1—total 15.

"Bombay: Heads of Districts, 2; Judges, 2; Joint Judge, 1; Assistant Judges, 2; Assistant Collectors, 9; Talukdari Settlement Officer, 1; Registrar, High Court, 1—total 18.

"Bengal: Heads of Districts, 4; District Judges 6; Joint and Assistant Magistrates, 8; Secretary, Board of Revenue, 1; Under-Secretary to Government, 1—total 20.

"North-West Provinces and Oudh: Heads of Districts, 2; District and Sessions Judges, 4; Joint and Assistant Magistrates, 9; Junior Secretary, Board of Revenue, 1; Assistant Settlement Officers, 2; Assistant Director of Land Records, 1; Small Cause Court Judges, Allahabad and Lucknow, 2—total 21.

"Punjab: Heads of Districts, 2; Divisional Judges, 2; District Judges, 2; Assistant Commissioners, 3; Junior Secretary to Financial Commissioner, 1; Settlement Collectorships, 2—total 12.

"Assam and Burma are left out of scope of the Resolution, while a further report is awaited from the Central Provinces. The grand total of posts is thus 86."

It will be seen from the above, as has already been remarked in the Note, that whereas 108 appointments were recommended by the Commission, only 86 appointments have been allotted by the Government to the Provincial Service, and the higher appointments of Commissioner of Division and Member of the Board of Revenue have been withdrawn from the list of appointments open to the Provincial Service. The Government does not even seek to justify the exclusion of these appointments. Not a word is said as to why they have been omitted from the Government Resolution, or why effect has not been given to this part of the recommendations of the Public Service Commission. Further, it will be seen on a reference to the recommendations of the Public Service Commission quoted in this Note, that one-third of he District Judgeships are to be conferred upon members of the Provincial Service. As a

matter of fact, under the Government Resolution, the Provincial Service have got less in this respect than what the Public Service Commission had recommended. In Madras they have got only 4 out of 20 Judgeships, in Bombay 5 out of 24, in Bengal 6 out of 30, in the North-Western Provinces and Oudh 4 out of 22, and in the Punjab 4 out of 22. Thus, instead of one-third, about one-fifth af the District Judgeships have been thrown open to the Provincial Service; and this limitation has been imposed in respect of a class of appointments for which natives of India are credited with possessing special aptitude. Further, it is difficult to understand why Assam should have been excluded altogether from the operation of the concession now proposed. Where limitations were necessary as regards this Province, the Public Service Commission had themselves indicated them. Education is rapidly advancing in Assam; and the late Mr. Anund Ram Barua of the Bengal Civil Service, who was as much distinguished as a scholar as an administrator, was a native of Assam. It would be an injustice to Assam to hold that there are not others like him in that Province. Further, Sylhet was till about 20 years ago a Province of Bengal; for reasons of administrative convenience it has been amalgamated with Assam. It would be a hardship to that district that it should be called upon to forego these concessions through no fault of its own.

The object of the appointment of the Commission was declared by the Government to be "to devise a scheme which may reasonably be hoped to possess the necessary elements of finality." But the Resolution of the Government, the Committee respectfully beg leave to observe, has done more than anything else to deprive the scheme of even the chance of being accepted as the final settlement of the important question referred to the Commission. The Resolution which the Government has recently issued is retrograde as compared with its own principles, as laid down in the Statutory Rules of 1879, and falls short, in point of liberality, of the general policy which it has hitherto followed, of appointing six natives of India on an average every year to appointments reserved to the Covenanted Civil Service. The country must therefore respectfully ask the Government to reconsider the Resolution which it has issued, with a view to make it more in harmony with the generous promptings of its own policy and to gratify the legitimate ambition of the people of India.

No. 25. From C. J. Lyall, Esq., C.I.E., Secretary to the Government of India, to the Chief Secretary to the Government of Bengal,—No. 1838, dated the 22nd August 1892.

I am directed to acknowledge the receipt of your letter No. 114 A. D., dated the 26th May 1892, forwarding a representation submitted by the Committee of the Indian Association on the subject of the Resolution (No. 9—1342-1352 Public, dated the 21st April 1892) issued by the Government of India with reference to the recommendations made in the Report of the Public Service Commission so far as they relate to the Provincial (Executive and Judicial) Services.

The memorialists pray for a reconsideration of the Resolution so far as it declared certain appointments open to the Provincial Services. They represent that disappointing as was the recommendation of the Public Service Commission that 108 posts reserved for the Civil Service in India should be transferred to the Provincial Services, the orders of the Government fixing the number of such posts at 86 are still more unsatisfactory. They consider that the Resolution is retrogressive as compared with the Statutory Rules of 1879, that it does not possess "the necessary element of finality," and that it fails to do "full justice to the claims of Natives of India to higher and more extensive employment in the Public Service." They complain in particular that a Membership of the Board of Revenue and a Divisional Commissionership have not been declared open to the Provincial Service, as recommended by the Public Service Commission, and that the proportion of Judgeships allowed to that Service is about one-fifth instead of one-third of the total number as recommended by the Commission, although Natives of India are credited with special aptitude for judicial work.

2. In reply I am to say that the memorialists, in submitting this representation, appear to have lost sight of the correspondence* which passed between the Government of India and the Secretary of State with regard to the Report of the Public Service Commission so far as it related to the constitution of the Provincial Services. In his despatch of September 1889 the Secretary of State announced the decisions at which he had arrived on the subject, and explained at great length his reasons for those decisions. The correspondence in question was published in the form of a Parliamentary Blue Book, and was communicated to the Press in this country in October 1889. As, however, the complaint that the arrangements now sanctioned by the Governor General in Council are less

* Despatch to Secretary of State, No. 58, dated 9th October 1888.

Despatch from Secretary of State, No. 104, dated the 12th September 1889.

avourable to Natives of India than those which were recommended by the Commission appears to be made in forgetfulness or under some misunderstanding of this correspondence, His Excellency in Council desires me to repeat here in detail, for the information of the memorialists, the grounds which led to the changes which have recently been sanctioned.

3. I am to observe at the outset that it has always been a recognized principle from a period antecedent to the transfer of the Government from the East India Company to the Crown, that the Civil Service of India is a *corps d'élite* occupying only a comparatively small number of the most important posts. In order to secure an administration conducted on principles in harmony with modern civilization, it is necessary that this body should be essentially an English service, recruited from among candidates brought up on English methods of training and education. This consideration has been consistently kept in view in the regulations which have been framed from time to time by the Secretary of State under section 32 of the Statute 21 and 22 Vict., cap. 106, for the admission of persons to the Service; and it was for this reason that the Public Service Commission, the Government of India and the Secretary of State decided against the proposal to hold simultaneous examinations in England and India for the Indian Civil Service. In his Despatch of September 1889 the Secretary of State observed :—

It is not surprising that the Commission should have arrived at the conclusion that, as so little room now remains for reducing the numbers of the Covenanted Civil Service, which may be said to represent the only permanent English official element in India, the importance of recruiting that Service with reference to the maintenance of English principles and methods of Government cannot be over-rated,—and that therefore the idea of holding a competitive examination for native candidates for the Covenanted Service in India as well as in England is altogether inadmissible. The Government of your predecessor were unanimously of opinion that this view is correct, and I cannot better express my own conclusion than by quoting the words of their Despatch :— "The true principle on which the Commission has very strongly insisted is that the conditions of the open competitive examination should be framed with the object of securing candidates trained in the highest and best form of English education. If, under such conditions, Native candidates succeed, they will then, as Lord Macaulay said, 'enter the Service in the best and most honourable way.' The establishment of simultaneous competitive examinations in India and England would sacrifice the principle we have stated. It would be entirely foreign to the intention of the framers of the competitive system, and be open to grave practical objections. We therefore fully agree with the Commission in deprecating the entertainment of any such proposal."

But although the Civil Service of India must be maintained (in the sense above explained) essentially as an English service, it has been recognized ever since it was thrown open to competition that any of Her Majesty's natural-born subjects are eligible for it. The Service is thus open to Natives of India subject to competition in England and to the necessary qualification of a high English education; and several of its members are already of that nationality and equally eligible with their British-born fellows for all offices for which the Service is recruited. At the time the Public Service Commission held their inquiries the age-limits in force—17 to 19—for admission to the Service were considered unfavourable to Native candidates desirous of competing in England. The Commission in their interests suggested a return to the former maximum age-limit of 23 years, and this suggestion has now been carried out.

4. To maintain a Service such as the Civil Service of India at its full working strength, the number of its members must be sufficient not only to fill the actual appointments set apart for the Service, but also to provide (1) a margin for newly-joined men who are merely in training for such appointments, and (2) a reserve to fill leave-vacancies. Experience has shown that an excess number of men, bearing a proportion respectively of 10·58 and 27·39 per cent. to the number of actual posts to be filled, is required in the Indian Civil Service as a training and leave reserve. To maintain at full working strength a Service required to fill (say) 1,000 actual appointments, 1,000+274+106 or a total strength of 1,380 men would be necessary, and the annual recruitment would have to be conducted at a rate which would suffice to maintain the total strength of the Service at this figure. In practice, however, the proportion of the leave and training reserve is considerably less than 38 per cent. of the total number of appointments. At the present day there are 808 sanctioned covenanted charges (excluding Burma), but on the 1st April 1892 there were only 1,013 officers (or over 100 short) made up as follows :—Covenanted Civilians 849, Military and Uncovenanted officers in non-Regulation Commissions 106, Statutory Civilians 58.

5. The Civil Service Statute of 1861 (24 and 25 Vict., cap. 54) reserved certain posts specified in its Schedule, chiefly the higher Judicial and Executive appointments in the Regulation Provinces to members of the Civil Service of India, without distinction as to birth-place, race, colour or creed; and it declared that offices not named in that Schedule might be filled up by the Governments in India from amongst persons who were not members of that Service. The system prescribed in the Statute was extended subsequently to non-Regulation Provinces, and it will be referred to hereafter as applicable to the whole of India. The Statute of 1870 (33

Vict., cap. 3, section 6), was enacted, on the other hand, in the special interests of Natives of India, and it empowered the authorities in India, subject to rules framed by the Governor General in Council and approved by the Secretary of State in Council, to appoint any Native of India as therein defined, to appointments reserved for members of the Civil Service of India by the Statute of 1861.

The Statutory Rules of 1879 framed under section 6 of the Statute of 1870, authorized the Government of India to appoint Natives of India for employment in offices for which the Civil Service is recruited *up to a maximum of one-fifth* of the number of Civilians appointed by the Secretary of State in each year, or one-sixth of the total recruitment in any year of Covenanted and Statutory officers taken together. The limit of one-sixth was, for special reasons, allowed to be exceeded during the three years 1879, 1880 and 1881. This *maximum* proportion, it will be observed, was fixed at a time when, owing to the low age-limits, the conditions of competition for the Indian Civil Service were unfavourable to Natives of India. It will also be observed that the Rules prescribed no *minimum* proportion of recruits who should be Natives of India, and therefore imposed no Statutory obligation to appoint any *minimum* number of Natives in any year. At the same time, the Government of India and the Secretary of State were prepared, and intended, if the system proved successful, to work up to the *maximum*, so as to recruit Natives of India to fill ultimately one-sixth of the posts for which the Civil Service is recruited; and to admit of this being done, a proportionate reduction, which is still being maintained, was made in the number of Civilians recruited annually in England.

So far as recruitment and eligibility for Scheduled offices are concerned, Statutory Civilians, like members of the Civil Service of India, practically formed a special body set apart exclusively to fill reserved posts; and it was for this reason necessary that the working strength of their body, like that of the Civil Service of India or any other separate Service, should include reserve for men in training and for supplying leave-vacancies. Their admission to reserved appointments was therefore regulated with reference to the annual recruitment which is calculated on the total working strength of the Service. But obviously so large a reserve as is necessary for the Indian Civil Service was not required in the case of Statutory Civilians, as the latter would not as a rule take much leave out of India, and as some of them at any rate would be experienced officers at the time of their appointment. A recruitment rate of somewhat less than one-sixth of the total annual recruitment would have been sufficient from this point of view to give them ultimately a full one-sixth of the total number of posts to fill which the Civil Service is recruited. But on the other hand it was contemplated that some of them would be officers of proved merit and ability already in the service of Government, who would be admitted as Statutories at an age more advanced than that at which Indian Civilians join, and who would consequently retire before completing the full term of service usually rendered by Indian Civilians in reserved posts. So that on the whole the proportion of one-sixth of the annual recruitment (as a prescribed *maximum*) was suitable for the object in view.

As a matter of fact, until the Statutory system was condemned (*i.e.* from 1879 to 1887), the maximum number of appointments was made in each year, the total number of Indian Civilians appointed during this period being 279, while that of Statutory Civilians was 58. It would not have been possible for the Government to appoint a single Statutory more in any of these years without exceeding the maximum limit prescribed by the Rules. The estimate of 7·56 given in paragraph 45 of the Commission's Report as the yearly number of Statutory appointments available for the whole of British India was not based on the actual recruitment during the years dealt with, but, as explained in the passage referred to, was merely an estimate, "calculated upon the regular annual recruitment of Covenanted Civilians fixed as appropriate for each Province."

Sixty-nine Natives of India in all have been appointed to reserved posts under the Rules of 1879 up to 1890, when this system of recruitment was abandoned. They were all not only Statutory Natives of India by birth-place and domicile, but also pure Asiatics by race.

6. This, then, was the position at the time of the Public Service Commission's inquiry. The Commission came to the conclusion that the system of 1879, under which a certain number of Statutory Civilians were annually selected and set apart to fill posts ordinarily reserved for members of the Indian Civil Service, had proved itself a failure and met with general condemnation. They recommended that it should be abandoned and that the Statutory Rules of 1879 should be cancelled.

The further proposals of the Commission were made with special reference to each branch of the Public Service separately. Both the Commission and the Government of India have

dealt first with the general (Executive and Judicial) administration and separately with each branch of the special Services, the decision as to the latter requiring an independent consideration of the varying claims and necessities of the several departments. The orders of the Government of India issued in the Resolution of the 21st April last relate to the general administration only; the special departments are under separate consideration, and orders in regard to them will be issued as the case of each is disposed of. So far as the Executive and Judicial branches of the Service are concerned, the Public Service Commission recommended that the higher grades of the existing Subordinate Executive and Judicial Services should be formed into a "Provincial Service" in each Province, and that, in lieu of the Statutory system of 1879, a certain number of Scheduled posts (*i.e.*, Judicial and Executive posts reserved under the Statute of 1861) should be declared open to members of that Service.

7. Before discussing the recommendations of the Commission, I am to advert to the remark of the memorialists that "it is difficult to see how the Public Service Commission make out that the number* which they recommend (108 appointments) is really in excess of the proportion of one-sixth of *the same appointments* thrown open under the Statutory Rules." The memorialists then proceed to say that at the recruitment rate of 6 per annum Natives of India would, " in the course of the lifetime of a generation . . . . " have about 200 appointments under the Statutory Rules, and that, the total strength of the Civil Service being 940 officers, "one-sixth of that number would come to 156, which is in excess of the 108 appointments recommended."

* *i.e.*, the number of appointments to be excluded from the Schedule to the Statute of 1861 and declared open to the Provincial Service.

These statements appear to be founded on a complete misapprehension of the Commission's recommendations. It will be seen from what follows that the total number of the appointments to which the recommendations of the Public Service Commission had reference was only 605, one-sixth of which scarcely exceeds 100; that at the recruitment rate of six a year, the maximum number of reserved offices which could ever have been held by Statutory Civilians would have been between 110 and 120; and that the total strength of the Civil Service on which the one-sixth should be calculated for purposes of comparison with the number of posts declared open to the Provincial Service, is not 940, but only 700.

In the first place, the Commission, in paragraph 77 of their Report, were dealing only with Executive and Judicial appointments reserved for Indian Civilians by the Schedule to the Statute of 1861. They did not include any unreserved posts, because it was already open to the Government to appoint a Native of India other than a member of the Indian Civil Service to such posts, and no essential change of system was therefore necessary to enable the Government to appoint Natives up to one-sixth or any other proportion of them, if it thought fit and if thoroughly competent men were available. Whatever was necessary in regard to these appointments could be done by executive araangement. Nor has paragraph 77 of the Commission's Report any reference to the special departments, as their proposals under this head are treated separately in a chapter at the end of their Report.

Secondly, the Commission in paragraph 77 were dealing not with the total strength of the Service, but with the number of actual appointments or sanctioned charges to be filled by Indian Civilians. The total number of such charges at the time, including all the classes of appointments mentioned either in the paragraph referred to of the Commission's Report or in the Schedule to the Statute of 1861 (other than those in the Accounts, Opium, Customs and Salt Departments), and excluding the proportion (one-fourth) reserved for Military Officers in the Punjab and Assam, appears to have been 605, of which 108 represent more than one-sixth. The Commission were therefore prefectly correct when they said that their proposals opened to the Provincial Service more than one-sixth of the total number of the Executive and Judicial appointments mentioned in paragraph 7 of their Report.

The total strength of the Civil Service at the present time, according to the sanctioned scale of 1892 (exclusive of Burma), is made up of (1) officers to hold the above Executive and Judicial charges—652 in all including the proportion reserved for Military Officers in the Punjab and Assam; (2) officers to hold 156 other charges, some of them reserved for members of the Service by law, such as a proportion of the High Court Judgeships and certain appointments in the Departments mentioned above and others either unreserved or reserved only by executive order; (3) junior officers who are merely in training for the above charges; (4) officers required as a reserve to fill leave-vacancies. The total strength of 941, stated in paragraph 20 of the Commission's Report, represents not the actual strength of the Civil Service at the time of their inquiries, but the estimated strength according to the recruitment scheme of 1881 which was then in force. As pointed out in paragraph 4 above, there were on the 1st of April of the present year only 849 Covenanted Civilians and 58 Statutories. The reason why a reserve for leave and training is required in the case of special bodies such as the Civil Service of India,

has been explained in paragraph 4. In the case of Covenanted appointments thrown open to the Provincial Service, no reserve *of these appointments* is required either on account of men in training or to fill leave-vacancies, as from the nature of the case the members of that Service who will be appointed to such posts will necessarily be experienced men who have already emerged from the stage of training, and leave-vacancies will be filled by other members of the Provincial Service. Whatever excess of officers over sanctioned posts is required as a leave and training reserve for the Covenanted appointments transferred to the Provincial Service, will be supplied by extra recruitment for the Provincial Service generally. In other words this very material change has taken place that a certain proportion of the actual appointments or charges reserved for members of the Civil Service of India has now been declared open to the Provincial Service and not a certain proportion of the total strength of the Service or (as in the case of Statutory Civilians) a certain proportion of the annual recruitment.

Thirdly, when it is estimated that at the recruitment rate of 6 per annum Natives of India would, in the course of 33 or 34 years, "have about 200 appointments," this computation confuses the number of appointments which would be made during the whole of that period with the number of appointments which would be likely to be held at any one time. The memorialists made no allowance for casualties, such as deaths, retirements or removals from the Service. Sixty-nine persons were appointed during 1879—90 under the Statutory Rules, but only 58 Statutory Civilians were in the Service on the 1st April 1892, the loss during this period being nearly 16 per cent. of the total number of persons appointed. Actuarial calculations based on the results observed in Indian recruited Services generally show that, assuming a regular recruitment rate of 6 a year and making allowances for deaths and retirements in the ordinary course, the highest strength of Statutory Civilians (which would have been reached in rather less than 30 years) would probably have been between 125 and 135 at the utmost. It would, in reality, have probably been much less, as there was a tendency in later years—a tendency which was recognized and adopted by the Public Service Commission—to appoint as Statutories men of more advanced age who had already proved their fitness for such preferment by good service in the subordinate branch. These men would in the ordinary course retire long before completing the normal period of service in reserved posts. If from the total strength of 125—135 be deducted a certain proportion of men who are mere probationers in training, as yet unfit to hold sanctioned charges, and a certain proportion on account of men who are absent from duty—on leave or on joining time in consequence of transfer from one appointment to another—it will be found that the number of actual appointments held by Statutories would probably not have exceeded 110—120 at the outside. It can only be because the memorialists have failed to understand the principle of the Provincial Service scheme that they have compared the *total strength* of Statutory Civilians, as they assume it might have stood 20 years hence, with the number of reserved appointments or actual charges declared open to the Provincial Service in 1892. If the estimates of 156 or 200 are put forward as representing the one-sixth of the posts which Statutory Civilians would have eventually occupied, then they could only be correct if the total number of appointments to fill which the Civil Service is recruited had been 936 or 1,200, and in that case only would it have been reasonable to compare these estimates with the 108 appointments referred to by the Commission, or with the number of offices which may from time to time be listed as open to the Provincial Service. But it has just been shown that the total number of appointments for which the Civil Service is recruited is (652 + 156) 808 only at the present day. Of these the number reserved for Military Officers will eventually fall to about 38; at present it is much larger owing to Military Officers having formerly been recruited for other Provinces as well as for the Punjab and Assam, but their recruitment has been discontinued except for these two Provinces and for Burma. This leaves 770 appointments, of which 70 are in the Political and special services,* and 700 in the different branches of the general administration. One-sixth of 770 is 128, and of 700 nearly 117.

* Political	35
Accounts	10
Custom, Salt and Opium . . .	6
Postal	5
Police . . . . . . }	
Jails . . . . . . }	12
Registration . . . . . }	
Education	2
TOTAL .	70

8. Three of the most prominent recommendations of the Public Service Commission were the following:—

(1) that the appointments specified in paragraph 77 of their Report—which they estimated at about 108 in all—should be excluded from the Schedule to the Statute above referred to and declared open to members of the Provincial (Judicial and Executive) Service;

(2) that section 6 of the Statute of 1870, empowering the Government of India to appoint a Native of India to any reserved post, should be repealed;

(3) that the orders of 1879, which were passed by the Government of Lord Lytton with the approval of the Secretary of State, and under which no person other than a Native of India can be appointed to any office in the Executive or Judicial Services carrying pay of Rs. 200 a month or upwards without the previous sanction of the Governor General in Council, or (in Madras and Bombay) of the Secretary of State, should be cancelled, and that the Provincial Service should be open to all natural-born subjects of Her Majesty without distinction as to nationality or domicile, provided only that they are resident in the Province and fulfil certain other conditions.

9. The third of these recommendations was based "on the cardinal principle of equality of treatment for all classes of Her Majesty's subjects." The results of the orders of 1879 are shown in paragraph 53 of the Commission's Report. The proposal to cancel these orders was supported by Lord Dufferin's Government, who considered that the conditions imposed by the Commission were sufficient safeguards against the appointment of Europeans to an undue extent. But for the reasons given in paragraphs 28—31 of his Despatch of September 1889, the Secretary of State negatived this proposal and expressed his opinion that the Provincial Services must be maintained as essentially Native services. Consequently the orders of 1879 are still in force. Europeans, who are not Natives of India within the Statutory definition, will be—as they always have been—eligible for admission to the Provincial Services, but the special sanction of the Governor General in Council or the Secretary of State will be required in each case before they can be admitted.

10. The effect of the recommendations set forth above as (1) and (2) in paragraph 8 would have been to transfer once for all certain appointments from the Schedule to the Statute of 1861 (as applicable to Regulation and extended to non-Regulation Provinces) to the list of appointments open to the Provincial Service. For, although the Commission proposed that the Secretary of State in Council should have power under certain restrictions to modify the Schedule to the Statute of 1861, and that certain powers of special appointment should be reserved to the Government of India (neither of which proposals Lord Dufferin's Government was prepared to accept), it was clearly their intention that these powers should only be exercised on very rare occasions; and their scheme was put forward as one which possessed, as far as was reasonable and practicable, "the necessary element of finality." It was meant to be a final settlement of the claims of the Provincial Service and to be gradually worked up to within a generation of official life.

The Secretary of State, while sanctioning generally the proposals of the Commission for the formation of the Provincial Services and their admission to certain Scheduled posts, decided that it was unnecessary to resort to legislation in order to carry out the recommendations set forth above, and remarked as follows :—

I am of opinion that the end contemplated will be practically attained by requiring each Provincial Government to place on a separate classified list in each Province certain offices in the different grades and departments and by publicly declaring these to be offices to which members of the Provincial Service may (subject to the conditions laid down in the letter of your predecessor's Government) properly be appointed. These lists will be arranged to suit the preponderant administrative needs, circumstances and aptitudes of each province and its people, and the proportion of appointments in the different branches will be from time to time determined and varied accordingly. It will thenceforward be necessary in making appointments to any of the Scheduled offices that may be placed in these lists to cite the powers vested in the local authorities by the Act of 1870, and the rules framed by the Government of India must, so far as these appointments are concerned, also conform to that Act.

* * * * * * * *

The reduction of the Covenanted Civil Service is already taking effect in respect of the sixth of the junior reserved offices, and when it is completed that Service will cease to have any special claim to the same proportion of the reserved offices as a whole. On the basis of these considerations it is practicable to calculate the number of reserved offices to which members of the Provincial Service may be appointed after existing prior claims have ceased through efflux of time, and the definiteness of the prospect thus offered to the Provincial Civil Service is precisely what would be secured to it by the proposals of the Commission approved by the Government of India.

In accordance with this decision Local Governments and Administrations were consulted by the Government of India, and the offices specified in the Resolution of the 21st April last have been placed on the several Provincial lists, as appointments open for the present to the different Provincial Services. These lists have been drawn up with reference to proximate reasonable requirements, and to the administrative needs and aptitudes of each Province and its people at the present time, regard being had also to the necessity of introducing the new scheme with caution. The memorialists are not correct in saying that the total number of posts thrown open substantively to the Provincial Service is 86 only, for it was distinctly explained in paragraph 4 of the Resolution of the 21st April that orders had not yet been passed regarding the

Central Provinces. In these Provinces administrative changes had occurred since proposals were first submitted which made it necessary again to consult the Chief Commissioner, and his reply having been received, orders will shortly issue declaring the additional posts (probably 7 in number) to be entered in the list.

The general conditions of the scheme are the following :—

(1) It will (if successful) work up to the amalgamation with the Provincial Service of one-sixth of the posts, or at any rate of the offices in the general administration, for which the Civil Service is recruited. This proportion corresponds with the reduction in recruitment which was commenced in 1879, and is judged to be the maximum limit of appointments which, within any period of time which it is now possible to foresee, can be transferred to the Provincial Services.

(2) It will be introduced gradually, subject to the preferential claims of persons who entered the Indian Civil Service or the non-Regulation Commissions before the reduction of recruitment in 1879, and to the relative claims of those who entered in the years immediately following.

(3) For the purposes of certain parts of the scheme Statutory Civilians will reckon as members of the Provincial Service even if they do not avail themselves of the option allowed them to join that Service; and the posts held by them will not be amalgamated with the Provincial Service until they are permanently vacated.

These conditions will necessarily prevent the scheme from having full effect for some years to come; but it must be remembered that, making allowances for deaths and retirements, for a certain proportion of men being mere probationers and still unfit to hold sanctioned charges, and for a certain proportion of absentees from duty, it would have taken many years more before the number of Statutory Civilians would have become sufficient to fill as many as 93 charges under the old system.

11. With reference to the complaint of the memorialists regarding the exclusion of a Membership of the Board of Revenue and a Divisional Commissionership from the lists of offices thrown open to the Provincial Service, I am to say that the Government of Lord Dufferin, in their Despatch to the Secretary of State, No. 58, dated 9th October 1888, expressed the opinion that it was not advisable to remove the former appointment from the Schedule; and though they had no objection to the removal of one of the Commissionerships in each Province, they did not think that it should be amalgamated with the Provincial Service. In the conclusion that a definite proportion of Commissionerships could not be transferred to the Provincial Service, the Secretary of State, in paragraph 15 of his Despatch of the 12th September 1889, concurred. It is further to be observed that the proposal to exclude from the Schedule the offices of one Member of the Board of Revenue and one Commissioner was dissented from or only agreed to after much hesitation, by a strong minority consisting of six * out of the fifteen members of the Commission. Appointments to these high offices are invariably made by special selection; and the mere fact of their being entered on the list could not have been held to give the Provincial Service any right whatever to either of them. On the other hand, as explained by the Secretary of State in the passage just referred to, their exclusion from the list does not debar a member of the Provincial Service, who has proved himself thoroughly fit for such advancement, from selection for either of these posts. For notwithstanding the Commission's recommendation that section 6 of the Statute of 1870 should be repealed, the Government still retain the power to appoint any Native of India to either with the sanction of the Secretary of State.

* Sir C. A. Turner, KT., C.I.E.
Mr. F. B. Peacock.
Raja Udai Pertab Singh, of Bhinga, Oudh.
Mr. T. H. Stewart.
The Honourable Kazi Shahabuddin, Khan Bahadur, C.I.E.
Mr. W. H. Ryland.

As regards the Judicial appointments placed on the lists contained in the Resolution of the 21st April 1892, I am to say that the Government of India consider that the proportion of them declared open to the Provincial Service (about 22 per cent. of the total number) is sufficient for the present. There is a great difference between civil and criminal judicial business and also between the duties of a Subordinate Judge and those of a Judge in independent charge of a district. Natives of India have hitherto exercised criminal powers in a subordinate position only. If they show capacity for sessions work, for the appellate duties of a District Judge and for administrative control over subordinate Courts, there is room for future expansion under this head.

12. The foregoing observations are applicable generally to all the Provinces in which Scheduled appointments have been thrown open to members of the Provincial Service. The

Government of India do not think it necessary to discuss in this letter the details of the arrangements sanctioned for Provinces other than Lower Bengal. The memorialists are not concerned with other Provinces, and the decision regarding them has been arrived at in consultation with the responsible Local Governments and after a careful consideration of their needs and circumstances, with which the memorialists must necessarily be imperfectly acquainted.

In the Lower Provinces of Bengal, 20 posts reserved for members of the Civil Service of India were placed on the list published with the Resolution of 21st April, and in a letter written shortly after that date, the Government of India addressed the Bengal Government as follows:—

"In the Resolution of the 21st April, 20 reserved posts have, as recommended by Sir Steuart Bayley, been declared open to the Provincial Service . . . The Government of India have no objection to temporary officiating appointments up to three months at a time being made to listed posts in excess of 20 and up to 26, whenever in the opinion of the Lieutenant-Governor administrative necessities demand it. Such temporary appointments in short vacancies will afford a means of testing the fitness of members of the Provincial Service for permanent appointment to reserved posts."

These arrangements are in accord with the recommendations made for Bengal in December 1890 by Sir Steuart Bayley, who, while considering the list which has been sanctioned a reasonable estimate of present requirements, represented that in the present condition of the Civil Service in that Province, administrative necessities might occasionally require the appointment of Statutory Civilians and Provincial officers to special posts in excess of the numbers placed on the list.

13. Under the sanction of the Secretary of State, communicated in a Despatch which has recently been received, the entire number of posts to be held by members of the Civil Service of India and Statutory Civilians in the Lower Provinces is 164 (including all charges from the Lieutenant-Governorship and High Court Judgships downwards). The Bengal Government is also required to supply Civilians to the Government of India for the Secretariats and for the Political and Special Departments up to the number of 15, and it is further required to supply Civilians to fill about 24 sanctioned posts in Assam. The total number of cadre posts is thus 203, and with a leave and training reserve at 38 per cent. would result in a Service for the total strength of 280 officers. As a matter of fact, the present strength is considerably short of this number. The number of Indian Civilians attached to Lower Bengal on the 1st April 1892 was 241, including several officers temporarily or permanently transferred to Burma and elsewhere, and the number of Statutory officers 13 only. There were also 6 Military and Uncovenanted officers serving in non-Regulation districts.

From the nature of the case, a Service which is constituted on a purely provincial basis has no claim on offices under the Government of India, especially as the majority of these appointments are in special Services, in which the higher posts thrown open to Uncovenanted officers would necessarily be given to officers already in those Services and not to members of the Provincial Executive and Judicial Service. It has not been considered necessary or advisable at present to declare any Scheduled posts in the Secretariats of the Government of India open to any Provincial Service. There is, however, nothing to prevent a Provincial officer from being employed under the Government of India in cases in which it is considered desirable so to employ him, though for certain appointments the sanction of the Secretary of State would be necessary. Similarly the Bengal Provincial Service has no concern with the Assam appointments.

There remain 164 posts in Bengal. The number which is reserved to Indian Civilians under the Statute of 1861 and the number in each group which has been entered in the recently published lists of posts thrown open to the Provincial Service are as follows:—

	Number of Scheduled Posts.	Number of Posts listed as open to the Provincial Service.
District and Sessions Judges	30	6
Heads of Districts	45	4
Joint and Assistant Magistrates	45	8
Members, Board of Revenue	2	...
Secretaries to Board of Revenue	2	1
Divisional Commissioners	9	...
Secretaries and Under Secretaries to Government	6	1
TOTAL	139	20

Twenty substantively, and if additional temporary appointments are necessary 26, of these posts have been made accessible to the Provincial Service, the latter number representing very

nearly one-sixth of the total number (164) of posts in the Province. As explained in paragraph 7 of this letter, no reserve of men to fill leave-vacancies and no allowance for men in training are required to be shown under the listed posts, as the excess required for these purposes will be provided in the Provincial Service generally.

14. On the whole, the Government of India are quite satisfied that the complaints of the memorialists, as regards both the proposals of the Public Service Commission and the arrangements sanctioned in the Resolution of 21st April last, are without foundation. The new arrangements, when correctly understood, are by no means less advantageous to Natives of India than those proposed by the Public Service Commission. They are in reality almost identical with them, the few changes which have been made being (with the single exception of the omission of a Member of the Board and a Divisional Commissioner—an omission which has been shown to make little or no practical difference) in favour of Natives.

In the first place, the arrangements proposed by the Commission were intended to possess as much finality as is possible in such matters. It is an essential part of the arrangements now sanctioned that the lists are subject to alteration and expansion from time to time, according to varying necessities. It is impossible at present to foresee the time when a Membership of the Board of Revenue or a Commissionership can be amalgamated with the Provincial Service. The Resolution expressly declares that the posts named in it shall "for the present" be entered in the list as open to the Provincial Service. There is no question of finality about the lists ; the finality is as to the system, which, it is hoped, will be found sufficiently successful to admit of its permanent retention. The classes and number of appointments on the lists may be modified or added to at any time at the pleasure of Government according to varying needs and circumstances.

In the second place, the Provincial Services (Judicial and Executive) are to be maintained asessentially Native services (paragraph 9 of this lette r).

Thirdly, section 6 of the Statute of 1870 has been retained as the basis of the Provincial Service Rules, which are to take the place of the Statutory Rules of 1879. Only such members of the Provincial Service as are Natives of India within the Statutory definition will be eligible for promotion under these rules to the Scheduled posts listed as open to that Service.

The new arrangements are also more advantageous to Natives of India than the Statutory system of 1879, in so far as, instead of confining the privileges and emoluments of the superior Service to a few selected Natives, they raise the dignity and status of the entire Provincial Service by holding out to all its members the prospect of high employment as the reward of merit and capacity. "The result," in the words of the Secretary of State, "will be to constitute and establish a connected and graduated series of offices rising from the subordinate classes of administrative business to a very high level of superior and responsible duties, Judicial and Executive, which will throw open a sure and honourable prospect of employment to persons appointed in India and of continuous promotion to officers of tried merit and ability." The present system, like the Statutory Rules of 1879, leaves it to the Government to work up to one-sixth (or any other proportion) of the total number of posts for which Indian Civilians are recruited. The reduction of one-sixth in the recruitment of Indian Civilians in England, which was commenced in 1879, is being continued. The Government still retains the power to appoint any Native of India to the highest posts.

15. I am to say, in conclusion, that the Government of India do not propose to make any material alterations in the lists of appointments thrown open to the Provincial Service, as published in the Resolution of April last, at any early date or until the new system has been brought into fair working order and received a sufficient trial. It rests, however, with the Native Members of the Provincial Services to show, by the manner in which they acquit themselves in the discharge of the more responsible offices for which they will now be eligible, within what period and in what direction alterations may hereafter be made consistently with the public interests.

16. I am to request that with the permission of His Honour the Lieutenant-Governor, a copy of this letter may be communicated to the memorialists.

No. 26. *Extract from the Proceedings of the Government of Madras, Nos. 179, 180, Public Department.*

READ—again the following papers :—

G. O., dated 11th May 1894, No. 325, Public.

"	"	12th July	"	" 505	"
"	"	19th Sept.	"	" 686	"
"	"	11th Oct.	"	" 757	"
"	"	29th "	"	" 805	"
"	"	1st Dec.	"	" 915	"

ORDER—dated 11th March 1895, No. 179, Public.

The rules for admission to the Madras Provincial Civil Service, modified with reference to the orders quoted above, are reprinted as an appendix to these Proceedings, and will be published in three alternate issue of the *Fort St. George Gazette.*

Appendix to G. O., dated 11th May 1894, No. 325 Public.

ENDORSEMENT, dated 11th March 1895, No. 180, Public.

Copy to the Government of India, Home Department, in continuation of Endorsement, dated 1st December 1894, No. 916, Public.

APPENDIX.

Rules for admission to the Madras Provincial Civil Service.

The following appointments, to fill which members of the Civil Service of India have hitherto been recruited, are open to members of the Provincial Civil Service subject to the rules for the time being in force under 33 Vict., cap. 3, sec. 6 :—

		R
District and Sessions Judges (4)	1st Grade	1,600
Collectors and Magistrates of Districts (2)	2nd ,,	1,200
Secretary to the Board of Revenue (1)		1,000
Under Secretary to Government (1)		700
* Deputy Magistrates and Collectors, 1st Grade [corresponding to Sub-Collectors] (2)		700
* Deputy Magistrates and Collectors, 3rd Grade [corresponding to Head Assistant Collector and Magistrate] (4)		500
* Deputy Magistrate and Collector, 5th Grade [correesponding to passed Assistant Collector] (1)		300

* NOTE.—These appointments are subject to the claims of officers in the Indian Civil Service appointed before 1890. If no fit and competent member of the Provincial Civil Service is available, or if the preponderant administrative needs of the Province require it, an Indian Civil Servant may be appointed to any of these appointments or to any of the 14 appointments of Deputy Magistrates and Deputy Collectors in Grade VIII.

† The Provincial Civil Service shall consist of two branches—(1) Executive, (2) Judicial—and shall include the following appointments :—

[A=Executive B—Judicial.]

	R
I.	
B. Subordinate Judges (3)	800
II.	
A. Deputy Magistrate and Collector (1)	700

† This clause has since been amended with the approval of the Government of India as follows, in Madras Government G. O. No. 907 Public, dated 26th August 1896 :—

The following alterations will be made made in the Rules for Admission to the Madras Provincial Civil Service contained in the appendix to G. O. No. 179 Public, dated 11th March 1895:—

Rule I.—For the second clause substitute the following :—

The Provincial Civil Service shall consist of two branches—(1) Executive, (2) Judicial—and shall include the following appointments :—

[A=Executive. B=Judicial.]

	R
I.	
B. Subordinate Judges (3)	800
II.	
A. Deputy Magistrate and Collector (1)	700
III.	
B. Subordinate Judges (5)	650
IV.	
A. Deputy Magistrates and Deputy Collectors (5)	600
V.	
A. Deputy Magistrates and Deputy Collectors (14)	500
B. Subordinate Judges (6)	500
VI.	
A. Deputy Magistrates and Deputy Collectors (22)	400
B. District Munsifs (30)	400
VII.	
A. Deputy Magistrates and Deputy Collectors (17	300
B. District Munsifs (30)	300
VIII.	
A. Deputy Magistrates and Deputy Collectors (18)	250
B. District Munsifs (30)	250
IX.	
B. District Munsifs (24)	200

	R
III.	
B. Subordinate Judges (5)	650
IV.	
A. Deputy Magistrates and Deputy Collectors (5)	600
V.	
A. Deputy Magistrates and Deputy Collectors (11)	500
B. Subordinate Judges (6)	500
VI.	
A. Deputy Magistrates and Deputy Collectors (22)	400
B. District Munsifs (30)	400
VII.	
A. Deputy Magistrates and Deputy Collectors (16)	300
B. District Munsifs (30)	300
VIII.	
A. Deputy Magistrates and Deputy Collectors (14)	250
B. District Munsifs (30)	250
IX.	
B. District Munsifs (24)	200

II.* Vacancies among the present sanctioned scale of Deputy Collectors shall be filled until the end of 1901, as heretofore, mainly by selection from the Subordinate Service of persons who have passed the examinations prescribed for those posts. To provide, however, for the 15 listed appointments declared open to the Provincial Civil Service in Government of India, Home Department Resolution of 21st April 1892, No. 9, 1342—52, Public, the following appointments by recruitment will be annually added to the present sanctioned scale of Deputy Collectors, and will be thrown open in each of the undermentioned years to competition under the rules governing such examinations :—

1895	2
1896	1
1897	2

After 1901 two-thirds of the vacancies in the whole enlarged list of Deputy Collectors will be filled by recruits who have been successful at the competitive examinations, the remaining one-third being retained for appointment by selection from the Subordinate Service and from persons, whether in the service of Government or not, of proved merit and ability. Provided that, if in any one year there are only two vacancies, one shall be filled by competition and the other by selection.

III. The appointments of Sub-Judges shall be made entirely by selection, but only Barristers, Advocates, High Court Vakils, Attorneys of the High Court and District Munsifs shall be eligible for these posts.

IV. The appointment of District Munsifs lies, under Act III of 1873, in the hands of the High Court, the qualifications required being regulated by rules made by the Honourable the Judges subject to the approval of Government. The latest rules as published on page 260 of the *Fort St. George Gazette,* Part I, dated 14th April 1885, limit the choice to—

(i) Advocates, Vakils and Attorneys of the High Court, and persons duly qualified for admission as Advocates, Vakils and Attorneys of the High Court ;

(ii) persons who have obtained the degree of Bachelor of Laws at one of the Universities of Madras, Calcutta or Bombay ;

(iii) persons who have passed the First Grade Pleadership examination.

Exceptions.

(*a*) Persons who, before the 1st January 1885, completed the Special Tests at that time required to qualify for the office of District Munsif.

(*b*) Persons already in the service of Government in the Judicial Department who may have passed the tests required under the old rules, dated 29th July 1869, to qualify for a Munsifship at any of the Special Test Examinations held up to and including the year 1889.

* This rule has since been amended as follows :—

Rule II.—Substitute the following :—

Vacancies in the list of Deputy Collectors shall be filled, as heretofore, mainly by selection from the Subordinate Service of persons who have passed the examinations prescribed for those posts and from persons, whether in the service of Government or not, of proved merit and ability. One appointment by recruitment shall, however, be thrown open annually to competition under Rule XII.

V. Every candidate for appointment by recruitment must furnish satisfactory evidence—

(a) that he is not over 25 years, except in the case of persons appointed to the Judicial branch otherwise than by competition. In these excepted cases Article 63 of the Civil Service Regulations fixes the maximum age at 30;

(b) that he fulfils the conditions prescribed in the rules for admission to the Public Service;

(c) that he is of sound health, good physique, and active habits;

(d) that he is of good character; and

(e) that he has passed the third-class vernacular test prescribed for European and Eurasian civil officers other than members of the Indian Civil Service or has graduated in a vernacular.

VI. Every person appointed to the Provincial Civil Service by recruitment shall be subject to probation for a period of two years, unless in special cases the Government declares such probation to be unnecessary. During this period he must complete the vernacular and other tests prescribed for the appointment which he may hold, and his appointment shall be probationary only. His confirmation shall be conditional on his passing the prescribed examinations and giving satisfaction in the performance of his duties during the term of probation.

VII. The subjects of Native Princes in alliance with Her Majesty shall be eligible for appointment to the Provincial Civil Service provided they are qualified in other respects.

VIII. Recent residence of at least three years in the Presidency shall in all cases be an essential condition of admission, and no Barrister, Advocate, Vakil, Attorney or Pleader shall be appointed as such unless he has been at least three years practising his profession in India.

IX. Europeans who are Statutory Natives of India shall, if qualified by the above conditions, be eligible with the sanction of the Government of India, for appointment to posts in the Provincial Civil Service other than the listed appointments declared open to that Service by Notification, in regard to which the sanction of the Secretary of State will be required.

X. No member of the Provincial Civil Service shall be dismissed otherwise than on the result of a judicial or formal departmental inquiry.

XI. Government reserves to itself the right to make promotions to the superior grades of the Provincial Civil Service carrying salaries of Rs. 500 per mensem and above without reference to any claim of seniority.

XII. * The following are the regulations in regard to the competitive examination referred to in Rule II *supra* :—

An examination for admission to the Provincial Civil Service shall be held in Madras once a year in the month of August, commencing on a day to be fixed from time to time by Government.

2. The examination shall be conducted by a Board appointed by Government, consisting of a President, three members and a Secretary. The Board shall have the power of appointing additional examiners to assist in the examination, if necessary.

3. The examination shall be open to all persons being British subjects or the subjects of Native Princes in alliance with Her Majesty, who have qualified for the degree of Bachelor of Arts in the Madras University, provided that they furnish satisfactory evidence as to age, physique, moral character and knowledge of a vernacular, and succeed in passing a Medical Board as hereinafter laid down.

4. Applications for admission to the examination in the form prescribed must reach the Secretary to the Board of Examiners not later that the 30th April preceding. Each candidate must forward with his application the following :—

(i) a certificate that his age will be under 25 and over 20 years on the day preceding that fixed for the commencement of the examination ;

NOTE.—This certificate should take the form either of a certified extract from an official register of births or of baptisms, or of a solemn declaration before a magistrate accompanied by a copy and translation of the candidate's horoscope.

(ii) a certificate from a gazetted medical officer "that he has no disease, constitutional affection, or bodily infirmity, unfitting him, or likely to unfit him, for Government service," and that he has been vaccinated or has had small-pox ;

* This rule has since been amended as follows in Madras Government G. O. No. 522 Public, dated 6th May 1897 :—

Clause 1.—*For* August *read* December.

Clause 4.—*For* 30th April *read* 31st August.

(iii) a certificate from the head or heads of the college or colleges in which he studied for his degree, to the effect that he has borne a good moral character ;*.

(iv) satisfactory proof that he has either passed the third-class vernacular test prescribed for European and Eurasian civil officers other than members of the Indian Civil Service, or graduated in a vernacular.

5. No candidate shall be registered unless he has previously paid a fee of 50 rupees. The fee should be paid into a Government treasury and the fee receipt must be forwarded with the application for admission to the examination. The fee of candidates who fail to pass the Medical Board shall be returned to them.

6. Candidates whose certificates are satisfactory will be required to appear before a Medical Board to be assembled by the Surgeon-General at such time and place as Government may direct. Only such candidates as are certified by the Medical Board to be possessed of an exceptionally good physique and to be specially fitted for the active duties of a Revenue officer shall be admitted to the examination.

7. Candidates who have passed the Medical Board shall be informed of the fact by the Secretary to the Board of Examiners, and shall be furnished in due course with a time-table of the examination.

8. The following shall be the scheme of the examination :—

Compulsory Branch.

	Time.	Marks. Paper.	Marks. *Vivâ voce.*
English Language	3 hours.	150	50
„ Literature	3 „	250	50
Essay on one of three specified subjects	4 „	200	...
TOTAL	„	700	

Optional Branches.

	Time.	Paper.	*Vivâ voce.*
(1) Mathematics—			
Pure Mathematics	3 hours	250	...
Mixed „	3 „	250	...
(2) Physical Science—			
Either—			
Physics, first paper	3 „	150	...
„ second paper	3 „	150	...
Practical examination	...	200	...
or—			
Chemistry, first paper	3 „	150	...
„ second paper	3 „	150	...
Practical examination	...	200	...
(3) Natural Science—			
General Biology	3 „	150	...
And *either*—			
Botany *or* Animal Physiology *or* Zoology *or* Geology	3 „	150	...
Practical examination	...	200	...
(4) Mental and Moral Science—			
Psychology and General Philosophy	3 „	200	50
Logic and Ethics	3 „	200	50
5) History—			
History of England and India	3 „	200	50
Political Economy	3 „	200	50

* This rule has since been amended as follows in Madras Government G. O. No. 553-A. Public, dated 18th April 1898 :—

The following certificates to the effect that he has borne a good moral character :—

(1) A certificate from the head or heads of the college or colleges in which he studied for his degree of Batchelor of Arts, and

(2) (*a*) a certificate from the head or heads of the institution or institutions, if any, in which he continued his studies after taking his degree, or

(*b*) a certificate from his employers, if he has been employed since graduating, or

(*c*) If he has neither attended an educational institution nor has been employed, since taking his degree, a certificate from a responsible person who can certify to his conduct from his personal knowledge.

9. No candidate shall be permitted to bring up more than one Optional branch.

10. No candidate who fails to obtain one-fourth on the total number of marks assigned to the Compulsory branch shall be permitted to appear for examination in an Optional branch.

11. If a candidate fails to obtain one-fourth of the marks assigned to the Optional branch selected by him, such marks shall not be counted in the total number of marks obtained by him.

12. A candidate who fails to obtain one-third of the total number of marks assigned to the whole examination shall not be deemed qualified for an appointment.

13. The Board shall submit to Government a tabular statement showing the marks obtained by the candidates arranged in order of merit. Only so many of the candidatos at the top of the list as Government may direct shall be mentioned by name, the remainder being indicated by their register numbers only.

14. The following rules shall be observed by the Board of Examiners :—

(*a*) Each paper in the Compulsory subjects shall be drawn up by two members of the Board to be appointed by the President, and shall be finally accepted by the Board. Answer-papers shall be valued in the first instance by the Examining members, but the valuation shall be accepted by the whole Board in Session or Council.

(*b*) The papers set in the Optional branches shall be submitted to the Board for approval. Answer-papers shall be valued by the respective Examiners, the valuation being subject to acceptation by the Board, which is empowered to make a percentage deduction from the total marks awarded for any branch on being satisfied, after communication with the Examiners concerned, that the marking has been on too liberal a scale as compared with other branches.

(*c*) The *vivâ voce* examination in each of the Compulsory subjects shall be conducted by the President and at least two members of the Board, and in the Optional subjects by the Chairman or a member of the Board deputed by him and all the Examiners appointed for the branch.

(*d*) In the Compulsory subjects, style, accuracy of expression and command of language generally shall be taken into consideration when assigning marks.

(*e*) The questions in the various papers shall be expressly framed to test the wide knowledge and culture to be expected from a University man, and not merely an accurate aquaintance with facts or sets of facts, names, dates and the opinions of authorities.

Form of Application for admission to the Examination for the Provincial Civil Service.

Name (*in full*)____________________

Name and occupation of father or guardian____________________

Age and date of birth____________________

Race (*i.e.*, nation, tribe, etc.)____________________

Religion ____________________

Place of birth—Town or village and district____________________

Date of passing the B.A. Degree examination if prior to 1886-87____________________

If after 1886-87, the Language Branch____________________

the Optional Branch____________________

If after 1891-92, the English Language Division____________________

the Second ditto ditto____________________

the Science Division____________________

Present position or occupation____________________

College or Colleges in which educated____________________

Optional branch in which the applicant desires to be examined____________________

Special tests passed by the applicant, if any____________________

Present residence and address____________________

XIII. Deputy Collectors are required to pass the following tests :—

(i) *Before appointment—*

(1) Revenue Higher.

(2) Criminal Higher.

(3) Account test Higher.

(4) Third-class vernacular Test.

NOTE.—Persons who have graduated in one of the vernaculars of the Presidency are exempt from this test.

(5) Précis-writing Test.

Full particulars regarding tests (1), (2), (3) and (5) will be found on pages 25-34 of the *Fort St. George Gazette*, Part I-B, dated 29th January 1895, and information as regards test (4) on pages 462-464, 488-490, 522-524, 557-558, 612-614, and 662-664 of the Gazettes of the 24th April, 1st, 8th, 22nd, and 29th May and 5th June, respectively.

NOTE.—Deputy Collectors appointed on the results of the competitive examination will not be required to have passed tests (1), (2), (3) and (5) before appointment. They will, however, be expected to complete all the tests specified in clauses (i) and (ii) of this rule within the probationary period of two years alluded to in Rule VI.

(ii)* *After appointment—*

(6) The compulsory vernacular Test in two languages.

The following is the test :—

i. Reading aloud fluently and construing with readiness and accuracy not less than an octavo page of the undermentioned works :—

In Tamil . .	1. The first three books of Panchatantram. 2. The whole of Virada Parvam (Prose).
In Telugu . .	1. Panchatantram. 2. Vemana Verses contained in Telugu Selections.
In Canarese . .	1. Panchatantram. 2. Udyogaparva (the first three Sandhis).
In Malayalam . .	1. Vetala Charitram. 2. Keralapazhama. 3. Keralolpati.
In Uriya . .	1. Hitopadesha. 2. Batris Singhasana. 3. Ramayana, Sundara Kanda.

ii. Translating in writing into English, with accuracy, a passage from some tolerably difficult work, not being a text-book.

iii. Translating in writing with accuracy of grammar and idiom into the language in which the examination is held, an English paper of somewhat difficult style relating exclusively to Indian subjects, and, as far as possible, bearing upon questions connected with the department to which the officer belongs.

iv. Translating in like manner a paper of English sentences.

v. Reading aloud fluently, and translating correctly and readily, two or three manuscripts written in the language in which the examination is held, in a plain, running office-hand.

vi. Conversing with the Examiners, or with natives of India, on such subjects proposed by them as are calculated to test colloquial facility, both as regards scholarlike expression and knowledge of terms and phrases as commonly used by the poorer and uneducated classes.

NOTE.—Graduates and Under-Graduates of the Madras University who have taken up one of the vernaculars specified at their optional language in the University examination have to pass in only one vernacular other than the optional language of their examination ; but they will not be declared to have passed the test in the second vernacular, unless they satisfy the Examiner that they can read fluently and with facility manuscripts written in the vernacular in which they are exempted from passing.

The vernacular examination is conducted by the Board of Examiners, and is held half-yearly at Madras in January and July, or at such time as the Board of Examiners may direct. Officers are required to pass the test within a year from the date of the half-yearly examination next succeeding their appointment, an additional year being allowed to those who have to pass in two languages. An officer failing to pass the examination within the prescribed time has to vacate his appointment in the grade unless the period is specially extended by Government.

(7) *Equitation Test.*—Officers will be required to obtain from the Equitation Board appointed in G. O., dated 7th June 1894, No. 402, within four months from a date to be fixed in each case by the Secretary to Government, Revenue Department, a certificate of ability to ride eight miles in the hour along an ordinary country bandy track without unduly distressing themselves or their horses. The Government will be prepared to sanction exemptions from this test in special cases.

* This clause has since been altered as follows in Madras Government G. O. No. 768 Public, dated 17th June 1897 :—

For "(6) The Compulsory Vernacular Test in two languages," *read*—

" 6 (*a*) For Europeans and Eurasians only—A test corresponding to the examination of the Covenanted Civil Servants by the Higher Standard.

" (*b*) For others— the Compulsory Vernacular Test in two languages."

XIV.* Subordinate Judges and District Munsifs are required to pass the following tests before appointment :—

(1) Third class vernacular Test.

NOTE.—Persons who have graduated in one of the vernaculars of the Presidency are exempt from this test.

(2) Précis-writing Test.

European and Eurasian Subordinate Judges and District Munsifs are also required to pass in the language of the district in which they are employed either before entering on their duties after appointment or within one year thereafter, on pain of loss of promotion, or within two years thereafter, on pain of loss of appointment, the second class test prescribed for European and Eurasian Civil officers other than members of the Indian Civil Service. It is not, however, incumbent on an officer to pass in a second vernacular either on transfer from one district to another or when two vernaculars are recognized as the language of a district. This test is the same as that laid down in clause (ii) of Rule XIII. The examination is conducted by the Board of Examiners, and is held twice a year, in January and July.

From G. W. VIDAL, Esq., I. C. S., Acting Chief Secretary to the Government of Bombay, to the Secretary to the Government of India,—No. 2093, dated the 20th March 1894. No. 27.

With reference to the correspondence ending with your letter No. 1901, dated 21st December last, I am directed to forward, for submission to the Government of India, the accompanying memorial from the Poona Sarvajanik Sabha, on the subject of the proposed rules for regulating admission to the Bombay Provincial Civil Service, which are now being revised by this Government in accordance with the instructions conveyed in your letter. In this memorial the Sabha bases its observations on an outline of the proposed rules, which was published in a local newspaper in January last, and makes the following requests :—

(*a*) that Mamlatdarships may be included in the Bombay Provincial Civil Service ;

(*b*) that the competitive test may be raised at least to the level of the B.A. Examination of the Bombay University;

(*c*) that the recruitment of Subordinate Judges may be continued as heretofore;

(*d*) that recruitment on the Executive side may be in the proportion of two-thirds by open competition and one-third by promotion from the Subordinate Service, as provided for by the Government of Madras; and

(*e*) that considerations of race and creed may not be taken into account in recruiting for the Provincial Service; and that, as decided by the Secretary of State, Europeans may not be allowed to compete for that Service.

2. As regards the request (*a*), I am to state that the Government of India are aware that this Government would, as intimated in paragraph 28 of their letter No. 6969, dated 2nd October 1890, have preferred the inclusion of Mamlatdars in the Provincial Service, but that His Excellency the Governor in Council does not now wish to re-open the question, if, as he understands, it is the case that officers of corresponding rank in other Provinces have been excluded from that Service.

3. With regard to the request (*b*), I am to observe that the fact of the examination being competitive nullifies the arguments advanced by the Sabha in support of its proposal; for if, as is certain, B. A.'s compete for the examination, they will have a better chance of being successful than candidates of lower educational attainments. At the same time it is desirable that candidates who have not had an University education should have a fair chance, which would not be the case if the subjects of examination were selected with too close a reference to the University curriculum. The Governor in Council sees no reason why a fair trial should not be given to the system of competitive examination proposed in the draft rules of this Government.

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* The following addition has since been made to this rule, *vide* Madras Government G. O. No. 351 Public, dated 24th March 1897.

After (2) *Précis-writing Test* add the following :—

Native Subordinate Judges permanently appointed after the issue of this rule are required to pass in two languages the vernacular test laid down in cause (ii) of Rule XIII. The examination is conducted by the Board of Examiners and is held half-yearly at Madras in January and July, or at such time as the Board of Examiners may direct. Subordinate Judges are required to pass this test within a year from the date of the half-yearly examination next succeeding their appointment, an additional year being allowed to those who have to pass in two languages. An officer failing to pass the examination within the prescribed time will be required to vacate his appointment in the grade, unless the period is specially extended by Government.

4. As regards the request (*c*), I am to remark that, in accordance with the instructions of the Government of India, a separate set of rules for regulating admission to the Judicial Branch is being prepared, in which provision will be made for a separate qualifying test on the basis of the one now in force for Subordinate Judgeships.

5. With reference to the requests (*d*) and (*e*), I am to state that they relate to matters which have already been dealt with by the Government of India in paragraph 3 of their letter No. 1901, dated 21st December last, and which do not call for any special notice.

From E. K. GOKHALE, Esq., Honorary Secretary, Sarvajanik Sabha, Poona, to the Secretary to the Government of India,—No. 31, dated the 8th February 1894.

I have been directed by the Managing Committee of the Poona Sarvajanik Sabha to submit, for the favourable consideration of the Government of India, the following representation in regard to the rules which, the Sobha understands, have been framed by the Bombay Government for regulating first admissions to the new Provincial Service of this Presidency, and which are now awaiting the final sanction of the Government of India. These rules, the Committee of the Sabha regrets to say, have not been formally or authoritatively communicated to the public by the Local Government for discussion and criticism, as seems to have been done by the Government of Madras; but a fairly complete outline of them appeared about two weeks ago in an influential and usually well-informed Anglo-Indian newspaper of Bombay, and it is mainly on this outline that the Committee of the Sabha has based this memorial. If the summary of the proposals of the Local Government given by the *Times of India*—corroborating in almost every particular the rumours that had been current some time previously on the subject—proves to be, in any respect, defective, the criticism of the Sabha will necessarily have to be, to that extent, modified. The Sabha applied some time ago to the Local Government to be supplied with a copy of the draft rules, so that its representation might be free from this element of uncertainty, but no reply has as yet been received to that application. And as it is now nearly two years since the Government of India issued its resolution on the subject of the Provincial Service, announcing that rules to regulate first admissions would follow, and as the outline that has appeared in the Press appears to correctly represent the proposals of the Local Government, inasmuch as there has yet been no contradiction on the subject, the Committee of the Sabha has thought it to be its duty, in view of the large interests involved in the question and the wide feeling of dissatisfaction and alarm evoked by the new proposals, to submit its representation on the subject, even in the absence of a formal and authoritative communication from the Local Government.

2. From the summary that has appeared in the *Times of India*, and subsequent to that in other papers, the Committee of the Sabha gathers that the scheme proposed by the Local Government in as follows:—

(1) The new Provincial Service will consist of all Subordinate Judgeships and Small Cause Court Judgeships on the Judicial side, and all Deputy Collectorships on the Executive side, together with the eighteen posts detached from the Schedule of the Act of 1861. The Mamlatdars on the Executive side will be left out of the new Service.

(2) The Service will be recruited partly by open competition, partly by nomination, and, in very exceptional cases, by promotion from the Subordinate Service.

(3) The number of posts to be thrown open to competition will be notified each year six months before the date of examination.

(4) The proportions of Hindus, Muhammadans, Parsees, Eurasians, Europeans, etc., who are to enter by the competitive door, will also be notified along with the number of posts.

(5) Candidates for the competitive examination will be examined in—

(*a*) One of the vernaculars of the Presidency.

(*b*) English (sufficient to test the candidate's capacity to write and understand official reports).

(*c*) Arithmetic up to Simple Interest.

(*d*) Algebra up to Simple Equations.

(*e*) Euclid, Books I and II.

(*f*) General History of India and England.

(*g*) A voluntary subject (probably, as in the case of candidates for the U. S. F. Examination, who, however, are examined in at least two voluntary subjects).

(6) The maximum age limit for the candidates appearing for the competitive examination will be 25 years.

(7) In the case of persons entering the Service by Government nomination, no educational test would appear to be prescribed, physical fitness and good moral character being alone insisted upon.

(8) Candidates entering the Service by open competition, as also those nominated by Government, will be on probation for two years, after which they will have to pass a departmental examination, their confirmation depending on their passing that examination.

(9) Members for the Provincial Service will not be appointed to the posts detached from the Schedule of the Act of 1861 (1) until all members of the Covenanted Civil Service, who have joined the Service before 1881, have been provided for, and (2) after that, until the members of the Statutory Service have been provided for.

3. These proposals are so retrograde in their character, and will prove, if carried into effect, so disastrous to the general interests of the Presidency and the interests of efficiency of administration in particular, that the Sabha owns to a feeling of surprise and disappointment that they should have emanated from so responsible an authority as the Local Government. Already the results of the labours of the Public Service Commission have been highly unsatisfactory and disappointing. This Commission, which was appointed "to devise a scheme which may reasonably be hoped to possess the necessary elements of finality, and to do full justice to the claims of the people of India to higher and more extensive employment in the Public Service," recommended a scheme which, after all, was not so favourable to the Natives as the arrangements which were in force before the appointment of the Commission. Then, the Despatch of the Secretary of State, No. 104, dated the 12th September 1889, to the Government of India, on the subject of the Commission's Report, rendered that scheme still more unfavourable, first by reducing the number and quality of the posts to be detached from the Schedule of the Act of 1861, and secondly, by refusing to have recourse to Parliamentary legislation in the matter, as suggested by the Commission. And now, coming after so many retrograde steps, the new rules of the Bombay Government, calculated as they are to seriously impair the efficiency of administration and retard the general progress of the Province, have naturally filled the public mind with great alarm and dismay. The Committee of the Sabha, therefore, most earnestly prays that the Government of India will be pleased to withhold its sanction to these rules, and direct the Local Government to so modify them as to leave no room for the objections which have been so justly urged against them in the Press since their publication, and which the Committee of the Sabha would beg leave to set forth below.

4. And first, as regards the exclusion of Mamlatdars from the Provincial Service. The Committee of the Sabha respectfully submits that this exclusion will not fail to result in very serious injury to the best interests of the administration, inasmuch as it is bound not only to impair administrative efficiency, but also to materially lower the standard of official morality among the Mamlatdars, and thereby work incalculable mischief to the masses of the people. The Committee is aware that this exclusion is in accordance with a suggestion thrown out by the Public Service Commission in discussing where the line between the Provincial Service and the Subordinate Service should be drawn. The Commission thus observes : "In the Executive service of the several Provinces, a more or less distinct line of division can be found between, on the one hand, the appointments of Deputy Collectors or Extra Assistant Commissioners, and, on the other hand, the appointments of Tahsildars, Mamlatdars or Mukhtyarkars. A cardinal difference exists between the ordinary duties which appertain to officers belonging to these two classes. Moreover, the evidence before the Commission shows that it is undesirable to recruit directly for the appointments of Tahsildars, and any lower point fixed for the recruitment of the Provincial Service would be too low for the general standard which it is desired to introduce for that Service. For these reasons the Commission would indicate the line between these classes of appointments as that which it would be disposed to recommend, as the line of separation between the Provincial and Subordinate Executive services." It is, however, clear from this extract that the Commission would have had no objection to the inclusion of Mamlatdarships in the Provincial Service, if it had been satisfied that direct recruitment for these posts, such as was held to be desirable for the Provincial Service, was not incompatible with efficient administration. The Commission seems to have been influenced in this matter by the opinion that it was not possible for persons recruited for the Provincial Service to acquire in their two

years' period of probation all that knowledge of adminstrative details which it is essential for Mamlatdars to possess. Now the Committee of the Sabha would point out that this opinion is entirely opposed to actual experience so far as this Presidency at any rate is concerned. Indeed, the rules passed by the Government of Sir Richard Temple on this subject in 1878, as also those passed by Lord Reay's Government in 1885, in modification of the former rules, expressly recognize that if only the persons recruited for Mamlatdarships were men possessing as high educational qualifications as those implied in a University degree, two years' preliminary training, or even a year and-a-half's was quite sufficient to qualify them for the duties of Mamlatdarships. The rules of 1878 lay down—and those of 1885 reiterate this—that a graduate of the University should, eighteen months after his joining the Revenue line (till 1883 this period was twelve months instead of eighteen), submit himself to a departmental examination, known as the Lower Standard Examination; that six months after passing this examination he should appear for another departmental examination known as the Higher Standard Examination; and that on his passing the latter successfully, he would be declared duly qualified for the duties of a Mamlatdar. Thus, in the opinion of no less an authority than the Bombay Government, a two years' preliminary training at the most is sufficient for a person possessing the educational qualifications of a graduate of the University to fit him for the work of Mamlatdar. The Committee of the Sabha is persuaded that the Commission lost sight of this point on account of its bracketing together in its remarks the Mamlatdars of Bombay with the Tahsildars of Madras, North-Western Provinces, and the Sub-Deputy Collectors of Bengal. The remark of the Commission that it was undesirable to recruit direct for the posts of Tahsildars, Mamlatdars, etc., appears to the Committee to be, for the most part, correct as applied to the class of men who used to be appointed up to the time of the Commission's inquiry,—Tahsildars in Madras, North-Western Provinces, Punjab, and Central Provinces and Sub-Deputy Collectors in Bengal. Appendix K to the Commission's report gives the modes of recruiting these officers in the various Provinces, from which it is clear that, at the time of the Commission's inquiry no high educational attainments were required in these officers in those Provinces, and that they were, for the most part, men that had risen from the lowest ministerial grades. But the Bombay Presidency has been honourably distinguished in this matter from the sister Provinces for the last fifteen years. In the inquiry of the Public Service Commission no witness had anything to say against the Bombay Mamlatdars. The rules of 1878, referred to above, practically reserved all Mamlatdarships for graduates of the University, subject to certain limitations for safeguarding the interests of non-graduates already of considerable standing in the Service. And though these rules came to be, to some extent, modified in 1885, they still laid down that two out of every three Mamlatdarships should be bestowed on graduates of the University. These rules of 1885 are still in force, and the Committee of the Sabha has no hesitation in declaring that their operation has been decidedly helpful to the establishment of a higher standard of official morality among this class of officials in this Presidency, and the securing of a higher degree of administrative efficiency.

The Committee would next point out that the remark of the Commission about direct recruitment for the posts of Mamlatdars is, to some extent, inconsistent with what it says in paragraph 82 of its report. In that paragraph it is observed : "The weight of the evidence tendered before the Commission is, moreover, clearly to the effect that persons of the 'amlah' or lower ministerial class do not, as a rule, possess the qualities required on the part of officers holding such a responsible position as that of Tahsildar, especially when it is remembered that the intricacies and the difficulties of the administration have an inevitable tendency to increase, and that they demand increasingly high qualifications on the part of those whose duty it is to cope with them." Now, recruitment for those posts could be either direct or by promotion from the lower grades. And yet the Commission holds both methods to be undesirable. What the Commission perhaps wanted to recommend was direct recruitment of persons of high educational qualifications, qualified by careful preliminary training for some time. And this has exactly been the actual practice in this Presidency—a practice which, the Committee has already observed, has done so much to raise the moral standard and the efficiency of the Subordinate Executive Service in this Province.

But all these commendable features of the Bombay system, the Committee feels persuaded, are bound to disappear, if, under the new scheme, the Mamlatdars are excluded from the Provincial Service. These features are mainly the result of the wise policy inaugurated by Sir Richard Temple in 1878, *viz.*, that of attracting graduates of the University to the Service. But with Mamlatdarships excluded from the Provincial Service, it is not possible that men with high educational attainments will care to join the Revenue line, when they see that they are,

as a rule, not to rise higher than the rank of Mamlatdars; and in the opinion of the Sabha, such a result would be nothing less than a public misfortune. The importance of securing the best class of men available—both intellectually and morally—for the posts of Mamlatdars must be admitted on all hands, and cannot be better expressed than has been done by the Public Service Commission itself. In paragraph 82 of the Report the Commission observes: "On this point the Commission unreservedly endorses the opinion expressed by the Indian Famine Commission that inasmuch as 'upon the integrity, zeal, and ability of the Tahsildar very greatly depend the satisfactory administration of the tahsil, the proper carrying out of the details of Government, the protection of the people from hardship and oppression, the detection of abuses and the general well-being of the community,' it is impossible that such an officer can be 'too much carefully selected.' It has been asserted that the standard of official morality among Tahsildars is not, in all cases, as high as could be desired, and the reasons assigned for this alleged defect are (1) the fact that appointments to the post of Tahsildar are not unfrequently made by the promotion of persons who have worked their way up from the lowest ministerial grades of the establishment, and (2) that the system of recruitment for Tahsildars is not everywhere such as to ensure that candidates possess sufficiently high educational qualifications. As the question was not directly in issue, the Commission considers it sufficient to draw the attention of the Government to the subject, and to suggest that the greatest care should be exercised in the selection of this class of officers." The exclusion of Mamlatdarships from the Provincial Service must, in the opinion of the Sabha, operate as a discouragement to graduates to join the Revenue line, and this must once again throw those posts back into the hands of men of low educational status, and consequently, also, in most cases, of low official morality. Another result of the proposed exclusion will be a deterioration in the quality of the work done by Deputy Collectors. At present the Deputy Collectors are mostly men who have been Mamlatdars once, and they can, therefore, supervise the work of the latter in a very efficient manner. Hereafter recruitment for the posts of Deputy Collectors will be made direct, and this would mean that the Deputy Collectors will have, like Assistant Collectors, very often to depend on their clerks for exercising supervision on the work of Mamlatdars. Another result still of the exclusion will be to lower the status of the Mamlatdar not merely in his own eyes, but also in those of the public. At present the Mamlatdars and the Subordinate Judges are officers of equal status and dignity in taluka towns; indeed, if there is any difference in favour of any one, it is in favour of the Mamlatdars who, owing to their peculiar position, naturally loom more largely in the eyes of the public. The exclusion of Mamlatdars, therefore, from the Provincial Service, when Subordinate Judges are included therein, must naturally be a point of humiliation to the former, and this needless badge of inferiority is not calculated either to increase their sense of self-respect or promote the cause of administrative efficiency or official morality. Again, a comparision of the duties of Mamlatdars with those of Subordinate Judges will show how much heavier and more responsible the work of the former is. The work of a Subordinate Judge is that of exclusively administering civil justice, and he has to decide civil disputes between one rayat and another. The Mamlatdar, on the other hand, has to administer criminal justice, and has some civil work too, inasmuch as he has to dispose of possessory civil suits. He has, again, not only to settle disputes between one rayat and another, but between rayats and Governments also. To the vast mass of the people he is the real representative of the *Sarkar*, and his revenue work is of the highest importance. His jurisdiction is large, he has to control a large establishment, and in connection with the collection of agricultural statistics and general information about the economic condition of the people, he has to do very important work. The smooth working of a number of departments, such as Forest, Abkari, Salt, etc., depends in a large measure upon the cordial co-operation of the Mamlatdar. If therefore it is necessary that Subordinate Judges should be members of a superior Service, it is even more necessary that Mamlatdars should also be members of that Service. The Committee of the Sabha is surprised that the proposal of excluding the Mamlatdars should have received the countenance of the Local Government, because, in a letter to the Government of India, dated 7th January 1888, Mr. Lee-Warner, writing as Secretary to the Local Government, proposes to include all *quasi*-judicial appointments in the Provincial Service; and as Mamlatdarships are *quasi*-judicial by reason of the magisterial powers which Mamlatdars exercise, the public had naturally expected to see these posts included in the new Service. There is a report that the responsibility of the exclusion rests not on the Local Government, who expressed themselves strongly against it, but on the Government of India, who wanted to secure, as far as possible, uniformity in the rules of the various Provinces, and who, therefore, adopted the suggestion of the Public Service Commission in the case of all. The Sabha, however, has already pointed out how the

Bombay Mamlatdars are far superior to Tahsildars in other Provinces, and it therefore hopes that Government will be pleased to reconsider its decision in the matter.

Another consideration in this connection which the Sabha would respectfully urge on the attention of Government, is the necessity of protecting the rights and fulfilling the just expectations of the graduates in the Revenue line, who have not yet become Deputy Collectors. The Committee believes there are about thirty such graduates at present in the Service, and the word of the Local Government is pledged to them that they would be appointed Deputy Collectors in due course. Sir Richard Temple's rules of 1878 give the following assurance to all graduates joining the Revenue line. "Promotion from one grade to another of a Mamlatdar's appointment will be regulated by seniority. After serving in all the grades of that office, a graduate will be entitled to the lowest grade of Deputy Collector's appointment when any such falls vacant." It is on the strength of this assurance that so many graduates have accepted service in the Revenue line in this Presidency, and Government are morally bound to fulfil the just expectations formed by these men. Government has protected the rights of Civilians who entered the Service before 1881, and it would be most invidious if the protection given to European officers were to be withheld from Native officers under similar circumstances. The Public Service Commission's recommendations on this point are most emphatic and clear. "Finally," the Commission observes, "the Commission desires to explain that its recommendations for the creation of a Provincial Service are subject to due consideration for the rights of existing incumbents of all classes of appointments which may be affected by its proposals. The Commission would on no account recommend the adoption of measures which would directly interfere with the reasonable expectations of deserving officers already in the service of Government. Accordingly, the recommendations of the Commission regarding the recruitment of the Provincial Service must be understood as conditional on the introduction of changes in such a way as will prevent any result of this nature." It may also be pointed out that the Madras Government, which has given no express pledge to its Tahsildars as the Bombay Government has to its graduate Mamlatdars, proposes to continue for the next seven years the promotion of Tahsildárs to the post of Deputy Collectors, in order to fulfil the reasonable expectations of the present Tahsildars. The Committee of the Sabha, therefore, takes it that the Bombay Government will recognize the obligation resting on it to respect the just claims of the thirty graduates at present in its service to be appointed Deputy Collectors. Now, at present, about two Mamlatdars are on an average promoted every year to the rank of Deputy Collectors, and this means that, for the next fifteen years at least, there can be no direct recruitment for Deputy Collectorships. The new rules must thus remain inoperative on the Executive side for such a long period as fifteen years, and the Committee of the Sabha therefore suggests that the whole difficulty should be avoided by including Mamlatdars in the Provincial Service.

5. The next point in the new rules, which has solely exercised the public mind, is the astonishingly low standard of studies prescribed for the competitive examination. The proposed test appears to be even simpler than the Matriculation or the University School Final Examination of the Bombay University. In framing this curriculum, the opinion of the Public Service Commission on this point would seem to have been entirely ignored. Speaking of the qualifications which should be insisted upon in the case of candidates for the Provincial Service, the Commission observes: "As the conditions of admission to the Imperial Service aim at high English qualifications, *so the conditions of admission to the Provincial Service should be framed with a view to secure the best qualifications obtainable in India.*" It will scarcely be contended that in a Presidency where the University turns out each year graduates by scores and matriculates by hundreds, a test simpler than even the matriculation is the highest educational test available. The Commission also observes: "The qualifications required for admission to the Provincial Service must be *such as to give fair promise that the candidates admitted to it will in time be fit to discharge the duties of high appointments formerly belonging to the Covenanted Service but now to be amalgamated with the Provincial Service* to which members of the Provincial Service will ordinarily in due course be promoted." That the duties of high appointments belonging to the Convenanted Service require an extremely high standard of general education, is clear from the fact that the competitive examination held in England every year for recruiting for these appointments aims at securing in the successful candidates the highest educational attainments available in England, as also, from the emphatic manner in which Lord Macaulay's Committee, which brought the open competitive examination into being, insisted on the desirability and importance of successful candidates having previously received the best liberal education that England could afford. "It is undoubtedly desirable," wrote this Committee, "that the Civil Servant of

the Company should enter on his duties while still young; but it is also desirable that he should have received the best, the most liberal, the most finished education that his native country affords." "Such an education," the Committee of 1854 further observed, "has been proved by experience to be the best preparation for every calling which requires the exercise of the higher powers of the mind." The opinion expressed by Lord Macaulay and his colleagues in the foregoing extracts is so weighty and sound, that the Sabha entirely fails to understand how the Local Government could ever think of acting in such violent and pronounced opposition to it. In this matter it was from the beginning the most earnest wish of the Sabha that the competitive test for the Provincial Service should be, as far as practicable, identical with that prescribed for the London examination for the Civil Service of India. Otherwise members of the Provincial Service appointed to the posts detached from the Schedule of the Act of 1861, were not likely to be held in the same esteem, and to enjoy the same consideration as members of the Indian Civil Service holding similar posts; and this would be courting for the Provincial Service the same failure as that of the Statutory Civil Service. Roughly speaking, the subjects for the London examination for the Civil Service of India are, for the most part, those prescribed by the Bombay University for its examination for the degree of M. A. in the various groups, and an approximately identical test with the London one would therefore have been secured for the Provincial Service of this Presidency if Government had proposed to examine candidates in the subjects making the several M.A. groups of the Bombay University. Such a test would in no way have been regarded by the public as too severe, specially in view of the fact that while the age limit for the Civil Service of India is 23 years, that for the Provincial Service is proposed to be 25. At any rate Government ought to have prescribed for the proposed examination all the subjects constituting the various groups for the B. A. examination of the Bombay University. This was, the Committee of the Sabha submits, the very least that it was necessary for Government to do to maintain the degree of administrative efficiency existing at present. The Sabha begs leave to point out that at present most of the Subordinate Judges and Small Cause Court Judges in this Presidency are graduates in Law, which graduation requires the previous obtaining of a degree in Arts, and that a large number of Mamlatdars and Deputy Collectors are also graduates. The work of both these classes of officers has repeatedly been spoken of by Government in terms of high recommendation. In the letter of Mr. Lee-Warner already referred to, the Government of Bombay justly takes credit to itself for this great preponderance of men possessing University degrees in its service. Government must be aware that high educational qulifications, such as are implied in a University degree, do not merely indicate intellectual development, though this latter is, in itself, highly valuable and necessary, but they also represent a high moral sense and an awakening of syampathy with the mass of population without which no officer can discharge his duties worthily and well. The University studies have a tendency to "open, invigorate, and enrich the mind," to borrow the words of Macaulay's Committee, and constitute an essential preparation for men seeking to be employed in posts of high trust under Government. The extremely low test proposed by Government will inevitably lower the standard of administrative efficiency and official morality at present obtaining in this Presidency, and will give the people a class of officials wanting in general sympathies and in breadth of view. The proposal is of so retrograde a nature, and is fraught with such detriment to the Public Service of this Presidency, that the Committee of the Sabha feels that it cannot protest too earnestly and too emphatically against it. And it, therefore, respectfully entreats the Government of India to direct the Local Government to abandon it unreservedly, and prescribe a test which will be equivalent, at least, to the curriculum of the B. A. degree of the Bombay University in the various groups.

The Committee of the Sabha presumes that the competitive test proposed by Government is intended to be the test for both branches of the Provincial Service, Judicial and Executive, and that persons who pass this test will be appointed to the posts of Subordinate Judges on their passing a departmental examination. If this is what is intended, Government will have to repeal section 22 of the Bombay Civil Court's Act (XIV of 1869), which requires that all recruitment for the posts of Subordinate Judges should be made from the ranks of those who have passed either the LL.B. examination or the High Court Pleaders' examination. The Committee of the Sabha submits that the proposed method must prove highly detrimental to the efficiency of the Judicial line. There was an absolute unanimity of opinion among all classes of witnesses examined by the Public Service Commission that the Subordinate Judges were an exceptionally efficient class of officers. This state of things is solely due to the fact that very high legal attainments are required by law on the part of those who seek to be appointed to the posts of Subordinate Judges. The present proposal would most needlessly interfere

with, and impair the existing high standard of judicial efficiency, as mere departmental test cannot be expected to be as rigorous or even nearly as rigorous as that of the LL.B. examination or the High Court Pleaders' examination. The present departmental law examinations for instance, are not even one-tenth as stiff as those which Subordinate Judges have to pass. The Committee of the Sabha would therefore most earnestly request that the present mode of recruitment for Subordinate Judgeships should be continued as it is, and that a test as high as the one suggested in the foregoing paragraph, should be prescribed for entrance into the Provincial Service on the Executive side. The Committee of the Sabha would point out that the proposals of the Madras Government are framed on these lines. The Madras rules lay down that recruitment for Subordinate Judgeships would continue to be made as hitherto, and that the competitive test proposed is for providing entrance into the Executive branch of the Provincial Service.

6. The proposal to recruit the new Service partly by open competition and partly by pure Government nomination is also open to grave objection. In the first place, it is opposed to the recommendation of the Public Service Commission on the point. In paragraph 82 of its Report the Commission speaks of the "objections that are justly felt to a system of nomination," and holds that in Lower Bengal, Bombay, and Madras a system of open competition would be found to work most satisfactorily. The recommendation of the Commission is, however, severely criticised in Mr. Lee-Warner's letter already twice referred to above. In that letter the Bombay Government speaks of the Commission's suggestion as a proposal that Government should " abdicate its responsible function of nomination in favour of a Board of Examiners who are to conduct an open or limited competitive examination." After stating that the Bombay Government is unable to accept the recommendation of the Commission, Mr. Lee-Warner, thus proceeds : " The protection of the less advanced classes in Bombay is a recognized feature of the educational system, and finds a place in the scholarship rules that have lately been issued. It seems evident to this Government that in a great variety of communities divided by sharp lines of creed and caste, some principle of representation must be secured, and no open competition can provide this. There is a second danger incurred in a competitive system, apart from that of its want of adaptation to the principle of representation. The needs of various departments demand an essential variety of attainments, and the system of nomination enables Government to select from a high level of general educational qualifications the individual whose special aptitudes for the particular qualifications, whether mental, moral, or physical, of each department, is most obvious." The Committee of the Sabha would submit that although open competition would not always succeed in selecting the best men as a general rule, it is far more safe and far more reliable than a system of Government nomination. A system of nomination can work well, and will yield the results claimed for it by its advocates, only if the selecting authority has an intimate knowledge of all the candidates, and knows them all in an equal degree. It is obvious that such intimate and equal knowledge is not possible on the part of a body like the Government of a Presidency, which for making the selection must, in the nature of things, depend upon its officers, who, in their turn, must rely on their subordinates or friends ; and thus, even with the best intentions on the part of the selecting authorities, the question ultimately becomes not one of which candidate is best qualified, but one of which candidate can bring to bear the greatest influence and pressure. The utter failure of the Statutory Service system is, in the opinion of the Committee of the Sabha, a standing illustration of the defects inseparable from a system of nomination. Open competition, on the other hand, has been found to succeed remarkably well wherever it has been tried. No one contends that it is an absolutely perfect system; but on the whole it can be trusted far better to make proper selections than a system of nomination. The undoubted success of open competition in the matter of recruiting Subordinate Judges may be cited as an illustration of the merits of that system. In this respect, also, the rules of the Madras Government are superior to those of the Bombay Government. The Madras Government proposes that two out of every three vacancies should be filled by open competition, and the third, as far as possible, by promotion from the Subordinate Service. Of course, Government must reserve to itself the power to make direct appointments to the Provincial Service in extraordinary cases ; but such appointments should be very exceptional and should find no place in the scheme of recruitment. The Committee of the Sabha would therefore suggest the adoption of the Madras plan in the matter in this Presidency, so that, on the one hands, the Provincial Service should be expressly secure against the evils of recruitment by direct nomination, and, on the other, some prospect of promotion should be held forth to the Subordinate Service as recommended by the Public Service Commission, so as to ensure greater efficiency and integrity on the part of the highest officials of that Service than would otherwise be possible.

7. Another most objectionable feature of the rules under consideration is, that they propose a distribution of the posts to be thrown open to competition each year among the various races and castes of this Presidency, irrespective of the results of the competitive examination. The Committee of the Sabha submits that, so far as it is aware, this is the first attempt in the history of British Administration in India to dispose of appointments in the Public Service on consideration of race or caste, and that it is absolutely inconsistent with the pledges solemnly given to the people of India in the matter by the Parliamentary Act of 1833, and the gracious Proclamation of Her Majesty the Queen-Empress of 1858. In forwarding the Statute of 1833 to the Government of India, the Court of Directors observed: "The meaning of the enactment we take to be . . that, whatever other tests of qualification may be adopted, distinctions of race or religion shall not be among the number." And again, "fitness is henceforth to be the criterion of eligibility." This noble promise was reiterated by Her Majesty the Queen-Empress in her great Proclamation of 1858. The Committee of the Sabha submits that Government would be perfectly justified in granting special facilities to members of the more backward classes to bring them educationally in a line with the classes that are more advanced. But as far as appointments to the Public Service are concerned, the British Government is irrevocably pledged to bestow them upon the fittest, and the fittest only, irrespective of race, colour, or creed. The difficulties, also, in the way of distributing appointments in the Public Service among the various castes and creeds of the country are so numerous that any scheme to carry out the object must either prove unworkable or be arbitrary in the extreme, and unfair to large classes of the community. The Committee of the Sabha submits that a violation of the pledges so solemnly given in 1833 and 1858 would be nothing less than a national misfortune, and it earnestly prays that Government will be pleased to abandon the attempt. The inclusion, again, of Europeans in the list of classes from which the Provincial Service is to be recruited, is in direct opposition to the decision of the Secretary of State for India on the point. In his despatch to the Government of India, dated 12th September 1889, Lord Cross, after carefully considering the whole question, announces that he is "unable to agree to the recommendation" of the Commission that Europeans should be allowed to compete for the Provincial Service because "the primary object with which the Commission was appointed was to extend the employment of Natives of India;" and he further observes: "The present Uncovenanted Service, in its Executive and Judicial branches, is, as I have shown, essentially a Native service, and the Provincial Service ought, in my opinion, to retain the same character." The Sabha therefore trusts that in this respect also its observations will receive the favourable consideration of the Government of India.

8. For the reasons stated above, the Committee of the Sabha prays—

(*a*) That Mamlatdars should be included in the Provincial Service.

(*b*) That the competitive test should be raised at least to the level of the B.A. Examination of the Bombay University.

(*c*) That the recruitment of Subordinate Judges should continue as heretofore.

(*d*) That recruitment on the Executive side should be two-thirds by open competition and one-third by promotion from the Subordinate Service, as provided for by the Government of Madras.

(*e*) That considerations of race and creed should not enter into account, as has been solemnly promised to the people of this country by Parliament in 1833 and by her Gracious Majesty the Queen-Empress in 1858, in recruiting for the Provincial Service; and that, as decided by the Secretary of State, Europeans should not be allowed to compete for that Service.

In conclusion, the Committee of the Sabha would submit that, if the proposed rules are not modified on the lines suggested in this memorial, they will prove highly detrimental to the general interests of the Public Service, and will put back the progress of the Presidency by at least a quarter of a century. They will be a severe blow to higher education, inasmuch as the powerful stimulus to University education will have disappeared when it is realised that the advantages assured to B.A.'s and LL.B.'s in the matter of employment in the Executive and Judicial branches of the Public Service are taken away. The present degree of administrative efficiency and integrity will be considerably lowered, and a widespread feeling of dissatisfaction and discontent will be the result. It is yet in the power of the Supreme Government to avert these evil consequences, and it is with this hope that the Sabha has ventured to submit so lengthy a memorial.

No. 28. From C. J. LYALL, Esq., C.S.I., C.I.E., Secretary to the Government of India, to the Chief Secretary to the Government of Bombay,—No. 1007, dated 4th June 1894.

I am directed to acknowledge the receipt of your letter No. 2093, dated the 20th March last, submitting a memorial from the Poona Sarvajanik Sabha on the subject of the proposed rules for regulating admission to the Bombay Provincial Civil Service, in which the memorialists, basing their observations on an outline of the rules as published in a local newspaper, make the following prayers :—

(1) That Mamlatdarships may be included in the Bombay Provincial Civil Service;

(2) that the proposed competitive test may be raised at least to the level of the B.A. Examination of the Bombay University;

(3) that the recruitment of Subordinate Judges may continue as heretofore;

(4) that the recruitment for the Executive Branch of the Provincial Civil Service may be in the proportion of two-thirds by open competition and one-third by promotion from the Subordinate Service; and,

(5) that considerations of race and creed may not be taken into account in recruiting for the Provincial Civil Service, and that Europeans may not be allowed to compete for it.

2. As regards the first of these prayers, I am to say that the Governor General in Council has fully considered the matter on this and previous occasions, and is altogether unable to apply to the Bombay Presidency a different rule from that which has been accepted in other Provinces, where the line of demarcation between the Provincial and Subordinate Civil Services has been so drawn, in accordance with the recommendation of the Public Service Commission (in paragraph 81 of their Report), as to include in the latter Service officers of the Tahsildar class (known as Tahsildars in the Madras Presidency, the North-Western Provinces and Oudh, the Punjab and the Central Provinces; as Sub-Deputy Collectors in Bengal and Assam and as Myooks in Burma), to whom the Mamlatdars correspond. The Governor General in Council, without any under-valuation of the worth of the Bombay Subordinate Civil Service, does not consider that it possesses any better claim to a higher *status* than the Subordinate Civil Service in some of the other Provinces; and for this, and other more general reasons, it would, in his opinion, be impossible to apply to it in Bombay any more favourable measure of treatment than is elsewhere approved.

3. In connection with its request for the inclusion of Mamlatdars in the Provincial Civil Service, the Sabha urges upon the attention of Government the question of the admission of the preferential claims to Deputy Collectorships of graduates in the Revenue line who entered this line under the terms of the Notification of the Government of Bombay, No. 6505, dated the 17th December 1878, as modified by Notification No. 7105, dated the 2nd September 1885, which stated that after serving in all the different grades of the office of Mamlatdar they would be entitled to the lowest grade of Deputy Collector's appointment when any such fell vacant. On this point I am to observe that the general principle is that the scheme for the Provincial Service should be introduced with due regard to the vested interests and to the qualifications and the reasonable expectations of individual officers who may be affected in carrying it out. The dominating factor, however, is the interests of the general public; and it appears to the Governor General in Council to be necessary in these interests to give effect with reasonable despatch to the scheme, which has for its primary end the establishment of the Public Service on a basis of thorough efficiency, and for its secondary aim the reasonable recognition of the claims of important sections of the community.

4. As regards the second prayer of the memorialists, the Government of India agree with the Government of Bombay that the system of competitive examination proposed in the draft rules should receive a fair trial. Not only have graduates a better chance of being successful than candidates of lower educational attainments, so far as the obligatory subjects of the proposed competitive test are concerned, but, in view of the optional subjects included, they will have all the advantage over the latter that they can properly claim.

5. As regards the third prayer of the memorialists, I am to say that the Governor General in Council leaves the matter to the consideration of the Government of Bombay in connection with the preparation of the rules for admission to the Judicial branch of the Bombay Provincial Civil Service.

6. The last two prayers do not require notice, the matters to which they relate having already been dealt with in my letter No. 1901, dated the 21st December 1893.

7. I am to request that, with the permission of His Excellency the Governor in Council the substance of this letter may be communicated to the memorialists.

From G. W. VIDAL, Esq., I.C.S., Acting Chief Secretary to the Government of Bombay, to the Secretary to the Government of India,—No. 4382, dated the 17th May 1894. No. 29.

In continuation of my letter No. 2093, dated 20th March 1894, I am directed to forward, for submission to the Government of India, the accompanying letter, with enclosure, addressed to that Government by the Bombay Graduates' Association, on the subject of the proposed rules for regulating admission to the Bombay Provincial Civil Service.

From the President and Honorary Secretaries, Bombay Graduates' Association, to the Secretary to the Government of India,—dated the 18th April 1894.

In pursuance of a Resolution adopted at the eighth annual general meeting of the Bombay Graduates' Association, we have the honour to forward herewith a copy of the Resolution adopted at that meeting, and request you to lay the same before His Excellency the Governor General in Council.

We have also the honour to request His Excellency the Governor General in Council to publish the draft rules about the Bombay Provincial Service before finally according his sanction to the same.

Copy of the Resolution.

That this Association (1) strongly protests against the rules regarding the Provincial Service which, as announced by the *Times of India*, Government have framed, as highly calculated to deter the growth of higher education in this Presidency, and (2) cordially supports the memorial of the Poona Sarvajanik Sabha on the subject. That copies of this Resolution be forwarded to the Government of Bombay and the Government of India, and the latter Government be requested to publish the draft rules before sanctioning them."

R. M. SAYANI,
President.

RUSTAM K. R. JAMA,
JAMIETRÂM NÂNÂBHÂI,
Honorary Secretaries.

From L. M. THORNTON, Esq., Officiating Deputy Secretary to the Government of India, to the Chief Secretary to the Government of Bombay,—No. 1058, dated the 16th June 1894. No. 30.

I am directed to acknowledge the receipt of your letter No. 4382, dated the 17th ultimo, forwarding a letter addressed to the Government of India by the Bombay Graduates' Association on the subject of the proposed rules for regulating admission to the Bombay Provincial Civil Service.

2. In reply I am to request that, with the permission of His Excellency the Governor in Council, the substance of the orders of the Government of India, conveyed in the letter from this Department, No. 1007, dated the 4th instant, on the memorial from the Poona Sarvajanik Sabha, regarding the rules in question, may be communicated to the Association.

From J. MONTEATH, Esq., I.C.S., Acting Secretary to the Government of Bombay, Revenue Department, to the Secretary to the Government of India,—No. 5477, dated the 19th July 1895. No. 31.

With reference to the correspondence ending with my letter No. 4946, dated the 1st instant, I am directed to forward, for submission to the Government of India, the accompanying memorial from the President of the Eighth Provincial Conference of the Bombay Presidency on the subject of the rules for regulating admission to the Bombay Provincial Civil Service.

2. I am to point out that there is no foundation for the statement made in the memorial that the outline of the rules published in the *Times of India* was admitted on behalf of Government to be accurate. As a matter of fact, the substance of the rules does appear to have been given in that newspaper, but there has not yet been in any sense an authoritative publication of the rules, and before such publication criticism is premature.

3. I am to state that the requests contained in the present memorial are similar to those contained in the memorial from the Poona Sarvajanik Sabha already disposed of by the letter from the Government of India No. 1007, dated 4th June 1894. The only request in the memorial from the Conference which was not in the memorial from the Sabha is that open competition and promotion from the lower grades should be prescribed as the only modes of recruitment. Compliance with this request would exclude (1) in the Executive branch selection among candidates after examination, and (2) in the Judicial branch the appointment of

persons who have practised as Advocates or Vakils of the High Court or who have qualified for the duties of a Sub-Judge according to tests prescribed by the High Court, or who have taken the degree of Bachelor of Laws. As regards the first, I am to state that this method of selection will not probably be often resorted to in contradistinction from appointment by direct competition, but there appears to His Excellency the Governor in Council to be no reason to abandon the power. As regards the second, it is believed that the qualification under section 22 of Act XIV of 1869 has been found generally satisfactory, but the combination with it of some practical experience in the case of those who have passed a qualifying examination has been considered desirable. Clearly direct competition without any condition of practical training would not be a suitable method of selection for Sub-Judgeships.

From Dinshaw Edulji Wacha, Esq., President of the Eighth Provincial Conference, to the Secretary to Government of India,—dated the 24th May 1894.

On behalf of the Eighth Provincial Conference of the Bombay Presidency which lately held its sittings at Belgaum, I have the honour to respectfully submit, for the favourable consideration of His Excellency the Governor General in Council, the following representation in regard to the rules which have been drafted by the Bombay Government to regulate first admissions to the Provincial Ser vice of this Presidency.

2. These rules were never authoritatively communicated to the public by the Bombay Government, but an outline of them, subsequently admitted to beaccurate by the Honourable Mr. Birdwood on behalf of Government, appeared in the *Times of India* early last year. The Poona Sarvajanik Sabha thereupon submitted an exhaustive memorial on the subject to the Government of India, praying that His Excellency the Governor General in Council might be pleased to withhold his sanction to the rules and direct a modification of them on the lines suggested in the memorial. With the views set forth in that memorial, the Provincial Conference is in entire accord. And as President of this Conference, I have the honour to request that in consideration of the large interests involved in the matter Government will be pleased to—

(1) raise the competitive test for entrance into the Service at least as high as the B. A. Examination of the University;

(2) include all Mamalatdarships in the Service;

(3) prescribe open competition and promotion from the lower grades as the only two modes of recruitment; and

(4) set aside all considerations of race and caste, now sought to be introduced for the first time in making appointments to the Public Service, in the distribution of posts to be thrown open to competition.

3. The Conference is aware that in their reply to the Sarvajanik Sabha the Government of India have expressed a desire to give a trial to the rules as drafted at present before considering suggestions for their modification. The Conference, however, is firmly of opinion that the injury to public interests which will result from the enforcement of the rules must be so great that it will be difficult to remedy the evil by the adoption of subsequent measures. The exclusion of Mamlatdarships from the Service will inevitably demoralize the subordinate branch. The low test prescribed for competition will bring into the Provincial Service men not qualified by their educational attainments to discharge properly the duties of their office. The introduction of race or caste considerations will prove most harmful to the cause of administrative efficiency, and will, besides, not help in any way the real progress of the backward classes, which can be secured only by giving them special facilities to come up educationally in a line with the more advanced sections of the community. Lastly, any large power reserved by Government in their hands to make direct nominations to the Service is sure to expose the Service to the same risk of failure which interferred so effectually with the success and usefulness of the Statutory Service. For these reasons the Conference respectfully prays that His Excellency the Governor General in Council will be pleased to direct a reconsideration of the rules in the direction suggested above. The delay that has taken place in the promulgation of the rules leads the Conference to entertain the hope that its prayer will not have been made in vain.

No. 32 From J. P. Hewett, Esq., C.I.E., Officiating Secretary to the Government of India, to the Chief Secretary to the Government of Bombay,—No. 1189, dated the 14th August 1895.

I am directed to acknowledge the receipt of your letter No. 5477, dated the 19th ultimo, submitting a memorial from the President of the Eighth Provincial Conference of the Bombay

Presidency on the subject of the rules for regulating admission to the Bombay Provincial Civil Service, which contains the following requests:—

(1) That the competitive test for entrance into the Service may be raised at least as high as the B. A. Examination of the University;

(2) that Mamlatdarships may be included in the Service;

(3) that open competition and promotion from the lower grades may be prescribed as the only two modes of recruitment; and

(4) that all considerations of race and caste may be set aside in the distribution of posts to be thrown open to competition.

2. As observed by the Bombay Government, the first, second and fourth of these requests are identical with (2), (1) and (5), respectively, of the prayers contained in paragraph 8 of the memorial from the Poona Sarvajanik Sabha, which was forwarded with the Honourable Mr. Vidal's letter No. 2093, dated the 20th March 1894. The orders of the Governor General in Council in regard to these prayers are contained in the letter from this Department No. 1007, dated 4th June 1894, and in the opinion of His Excellency in Council the present memorial does not advance any sufficient ground for a reconsideration of those orders. The third request of the Conference, so far as it relates to the Executive Branch, is practically the same as the fourth prayer of the Poona Sarvajanik Sabha, which was dealt with in paragraph 6 of the letter from this Department of the 4th June 1894. The Governor General in Council concurs in the views of the Government of Bombay in regard to this request, as expressed in paragraph 3 of your letter under acknowledgment, and is unable to accede to it.

3. I am to request that, with the permission of His Excellency the Governor in Council, the substance of this letter may be communicated to the President of the Conference.

From J. MONTEATH, Esq., I.C.S., Acting Chief Secretary to the Government of Bombay, to the Secretary to the Government of India, Home Department,—No. 9497, dated the 29th November 1895. No. 33.

With reference to paragraph 2 of your letter No. 1159, dated 2nd August last, I am directed to forward herewith, for the information of the Government of India, copy of the rules for regulating admission to the Bombay Provincial Civil Service as finally revised and issued by this Government, and to state that His Excellency the Governor in Council has accepted the suggestions of the Government of India as contained in your letter referred to above, except as regards the provisions in Rules IX and XIII binding the Governor in Council and the Commissioner in Sind respectively to select candidates in order according to the dates of qualification. The rules as they stand, I am to state, merely give effect to the well-established practice of this Government, and the clauses, "except in cases in which it may for special reasons seem desirable to follow some other course," which may possibly have been overlooked, appear to the Governor in Council to give the rules that elasticity which the Government of India desire.

Rules for admission to the Bombay Provincial Civil Service.

Classes of persons eligible.

I.—The Bombay Provincial Civil Service shall be open to all duly qualified subjects of Her Majesty and of Native Princes in subordinate alliance with Her Majesty, who have resided for not less than three years before the date of appointment within the limits of the Bombay Presidency or of States under the political control of His Excellency the Governor in Council: provided that, in the case of a European not coming within the definition of Native of India contained in section 6 of 33 Vict., cap. 3, the previous sanction of the Government of India must be obtained to his appointment to the Service, and that of the Secretary of State to his appointment to a listed post.

Division into Executive and Judicial branches.

II.—The Service will be divided into two branches,—the Executive, comprising about 75, and the Judicial, comprising about 125 appointments, as notified from time to time, out of which about 15 in the Executive and about 13 in the Judicial branch will be localised in Sind.

EXECUTIVE BRANCH.

Presidency Proper.

Modes of appointment to Executive Branch.

III.—Vacancies in the Executive Branch will ordinarily be filled up by—

(*a*) direct competition;

(*b*) selection among candidates after examination;

(*c*) promotion of selected officers who are already in the Subordinate Service.

IV.*—Six months' notice will be given in the *Government Gazette* and the public newspapers of the number of appointments to be filled up each year by direct competition and by selection after examination, and of the date fixed for the examination. Admission to the examination will be subject to the following conditions :—

Recruitment by competition and selection after examination.

(i) The age of candidates shall not be less than 21 or more than 25 years on the date to be fixed by Government for the examination. The proofs of age required will be the same as under the rules approved by the Government of India for candidates proceeding to England to compete for the Indian Civil Service.

(ii) Candidates must produce satisfactory certificates of—

(*a*) physical fitness for the service of Government from the Presidency Medical Board ;

(*b*) nationality ;

(*c*) character, from the heads of such schools and colleges as they may have attended, or, in the event of their being already in the service of Government, from the head of the department in which they may be employed.

Note.—Conditions (i) and (ii) (*a*) may be relaxed or dispensed with in the case of candidates already in the service of Government.

V.†—The examination will be conducted by a special Board under the general direction of the Educational Department of Government.

The examination.

(i) The appointments offered for direct competition will be filled up in accordance with the order of merit determined by the Board and reported to Government as the result of the examination.

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* This rule has since been amended as follows, *vide* Bombay Government's order No. 6549, dated 19th August 1896 :—

IV.—Six months' notice will be given in the *Government Gazette* and the public newspapers of the number of appointments to be filled up each year by direct competition and by selection after examination, and of the date fixed for the examination. Admission to the examination will be subject to the following conditions :—

Recruitment by competition and selection after examination.

(i) The age of candidates shall not be less than 21 or more than 25 years on the date to be fixed by Government for the examination. The proofs of age required will be the same as under the rules approved by the Government of India for candidates proceeding to England to compete for the Indian Civil Service.

(ii) Candidates must produce satisfactory certificates of—

(*a*) Physical fitness for the service of Government from a Civil Medical Officer or from a Medical Officer in charge of a civil station ; candidates residing in the Presidency town being required to obtain such certificates from the Medical Board ;

(*b*) nationality ;

(*c*) character from the heads of such schools and colleges as they may have attended, or, in the event of their being already in the service of Government, from the head of the department in which they may be employed.

Note.—Conditions (i) and (ii) (*a*) may be relaxed or dispensed with in the case of candidates already in the service of Government.

† This rule has since been amended as follows, *vide* Bombay Government letter No. 4831, dated 19th June 1896 :—

V.—The examination will be conducted by a special Board under the general direction of the Educational Department of Government.

The examination.

(i) The appointments offered for direct competition will be filled up in accordance with the order of merit determined by the Board and reported to Government as the result of the examination.

(ii) Candidates will be required to satisfy the Board that they have such a knowledge of one of the vernacular languages of the Presidency—Hindustani, Gujarati, Marathi, or Kanarese—as enables them to speak, read, write and translate with facility from the written character into English, and *vice versâ*.

(iii) The subjects of Examination will be as follows :—

A.—Obligatory.

I.—History and Geography of England and India.

II.—Mathematics, including—

(1) Arithmetic, up to and including vulgar and decimal fractions, proportion and simple interest.

(2) Algebra, up to and including simple equations ;

(3) Euclid, Books I and II.

III.—English literature and composition.

B.—Optional.

Not more than three of the following subjects :—

IV.—Either Natural Science—

Not more than two of the following branches :—

Chemistry, Physics, Geology and Physical Geography, Botany.

Or Agriculture together with the Sciences Geology, Botany and Agricultural Chemistry.

V.—Moral Science—Mental and Moral Philosophy.

VI.—One classical language—Sanskrit, Persian, Arabic, or Latin.

VII.—Political Economy.

VIII.—Higher Mathematics.

(ii) Candidates will be required to satisfy the Board that they have such a knowledge of one of the vernacular languages of the Presidency—Hindustani, Gujarati, Marathi, or Kanarese,—as enables them to speak, read, write and translate with facility from the written character into English, and *vice versâ*.

(iii) The subjects of Examination will be as follows :—

A.—Obligatory.

I.—History and Geography of England and India.

II.—Mathematics, including—

(1) Arithmetic up to and including vulgar and decimal fractions, proportion and simple interest ;

(2) Algebra, up to and including simple equations ;

(3) Euclid, Books I and II.

III.—English Literature and Composition.

B.—Optional.

Not more than three of the following subjects :—

IV.—Natural Science.

Not more than two of the following branches—

Chemistry, Electricity, Geology, Botany.

V.—Moral Science—Mental and Moral Philosophy.

VI.—One classical language—Sanskrit, Persian, Arabic, or Latin.

VII.—Political Economy.

VIII.—Higher Mathematics.

Province of Sind.

VI.*—Appointments to the Executive branch in Sind will also be filled up under the above rules, except that the examinations will be conducted at Karachi by a Board to be appointed by the Commissioner, who will report the results to Government, and that the vernacular language in the case of candidates for appointment by direct competition or selection after examination will be Sindhi or Hindustani.

JUDICIAL BRANCH.

Presidency Proper.

Qualification.

VII.†—No candidate will be appointed to the Judicial branch whose age is less than 21 or unless he is already in Government service, more than 30 years, and who has not qualified for a Subordinate Judgeship under section 22 of Act XIV of 1869.

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* This rule has since been amended as follows, *vide* Bombay Government's letter No. 4831, dated 19th June 1896 :—

Province of Sind.

VI.—Appointments to the Executive branch in Sind will also be filled up under the above rules, except that the vernacular language in the case of candidates for appointment by direct competition or selection after examination will be Sindhi or Hindustani.

† This rule has since been amended as follows, *vide* Bombay Government's order No. 3250, dated 29th April 1897 :—

Qualification.

VII.—No candidate will be appointed to the Judicial Branch whose age is less than 21, or unless he is already in Government service more than thirty years, and who has not qualified for a Subordinate Judgeship under section 22 of the Bombay Civil Courts Act, 1869, as amended by the Bombay Civil Courts Act Amendment Act, 1895.

and either

(*a*) been in full and continuous practice for three years as an Advocate, Vakil or Pleader in a Civil Court ;

or

(*b*) served for three years as Honorary Assistant under the Government Pleader in the High Court or in a District Court ;

Note.—The Legal Remembrancer will, upon application, assign qualified persons as Honorary Assistants to Government Pleaders.

or

(*c*) served with approval for three years (i) as a salaried Interpreter in the High Court or the Presidency Small Cause Court, or (ii) as clerk of the Court, Head Clerk, Sheristadar, Deputy Sheristadar, Nazir, or First Assistant to the Registrar, or as Honorary Assistant under the Registrar or Clerk of the Court in any of the Courts marginally noted ;

High Court.
Presidency Small Cause Court.
District Court.
Subordinate Court or Provincial Small Cause Court } at a Sadar Station.

Note.—Qualified persons desiring to be employed in a Civil Court should apply to the Registrar of the High Court or the Chief Judge of the Presidency Small Cause Court or the District Judge, as the case may be.

and either

(*a*) been in full and continuous practice for three years as an Advocate, Vakil or Pleader in a Civil Court;

or

(*b*) served for three years as Honorary Assistant under the Government Pleader in the High Court or in a District Court;

Note.—The Legal Remembrancer will upon application assign qualified persons as Honorary Assistants to Government Pleaders.

or

(*c*) served with approval for three years in any of the Courts marginally noted as Clerk of the Court, Head Clerk, Sheristadar, Deputy Sheristadar, Nazir, or First Assistant to the Registrar or as Honorary Assistant under the Registrar or Clerk of the Court;

High Court.
Presidency Small Cause Court.
District Court.
Subordinate Court or Provincial Small Cause Court } at a Sadar Station.

Note.—Qualified persons desiring to be employed in a Civil Court should apply to the Registrar of the High Court or the Chief Judge of the Presidency Small Cause Court, or the District Judge, as the case may be.

or

(*d*) exercised with approval magisterial powers for three years while holding office as a Mamlatdar or Head Karkun;

or

(*e*) performed successively for a continuous period of three consecutive years more than one of the duties specified in clauses (*a*), (*b*), (*c*) and (*d*).

Where the candidate has acquired a qualification under section 22 of Act XIV of 1869 otherwise than by practising for five years as an Advocate or Vakil of the High Court, the period spent in performing the duties specified in clauses, (*a*), (*b*), (*c*) and (*d*) must be wholly subsequent to the acquisition of such qualification.

Application for appointment.

VIII.*—Every candidate for appointment shall submit has application to the Private Secretary to His Excellency the Governor accompanied by satisfactory certificates—

(*a*) of nationality;

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or

(*d*) exercised with approval magisterial powers for three years while holding office as a Mamlatdar, or Head Karkun;

or

(*e*) performed successively for a continuous period of three consecutive years more than one of the duties specified in clauses (*a*), (*b*), (*c*) and (*d*).

Where the candidate has acquired a qualification under section 22 of the Bombay Civil Courts Act, 1869, as amended by the Bombay Civil Courts Act Amendment Act, 1895, otherwise than by practising for five years as an Advocate or Vakil of the High Court, the period spent in performing the duties specified in clauses (*a*), (*b*), (*c*) and (*d*) must be wholly subsequent to the acquisition of such qualification.

* This rule has since been amended as follows, *vide* Bombay Government's order No. 1074, dated 9th February 1897:—

Application for appointment.

VIII.—Every candidate for appointment shall submit his application to the Private Secretary to His Excellency the Governor accompanied by satisfactory certificates—

(*a*) of nationality;
(*b*) that he is within the prescribed limits of age, the proofs of age being the same as those required under Rule IV (i);
(*c*) that he is physically fit for the service of Government;
(*d*) that he is of good moral character;
(*e*) that he has such a knowledge of one of the vernacular languages of the Presidency—Gujarati, Marathi or Kanarese (or of Hindustani)—as enables him to speak, read, write and translate with facility from the written character into English, and *vice versâ*.

Note.—The certificate mentioned in (*c*) must be signed by a Civil Medical Officer or by a Medical Officer in charge of a civil station in the case of candidates residing in the mofussil and by the Presidency Medical Board in the case of the candidates residing in the Presidency Town; and those mentioned in (*d*) and (*e*) may be signed by a District Judge, by the Chief Judge of the Cou.t of Small Causes at Bombay, by the Principal of a College or other Institution recognized by the University of Bombay, by a Professor of the Government Law School, by the Chief Judicial, Executive or Political Officer of the British Government in a district outside the limits of the Bombay Presidency or in a Native State, or by the Registrar of the High Court.

(*b*) that he is within the prescribed limits of age, the proofs of age being the same as those required under Rule IV (i);

(*c*) that he is physically fit for the service of Government;

(*d*) that he is of good moral character;

(*e*) that he has such a knowledge of one of the vernacular languages of the Presidency, Gujarati, Marathi or Kanarese (or of Hindustani), as enables him to speak, read, write and translate with facility from the written character into English and *vice versâ*.

Note.—The certificate mentioned in (*c*) must be signed by the Presidency Medical Board, and those mentioned in (*d*) and (*e*) may be signed by a District Judge, by the Chief Judge of the Court of Small Causes at Bombay, by the Principal of a College or other institution recognized by the University of Bombay, by a Professor of the Government Law School, by the Chief Judicial Executive or Political Officer of the British Government in a district outside the limits of the Bombay Presidency or in a Native State, or by the Registrar of the High Court.

Selection of candidates.

IX.—In making appointments from among candidates qualified under clauses (*c*) and (*d*) of Rule VII, His Excellency the Governor in Council will be guided in his selection solely by regard to the special merits of the candidates; in other cases he will, except when it may for special reasons seem to him desirable to follow some other course, and except as hereinafter provided, select from among the candidates whose certificates are satisfactory, in order, according to the dates on which they severally obtained the degree of LL.B., or passed the examination prescribed by the High Court under section 22 of Act XIV of 1869, or were enrolled as Advocates or Vakils of the High Court: provided that—

(1) any candidate who refuses any appointment, substantive or acting, that may be offered to him, shall lose his claim to the next three vacancies;

(2) any candidate who has passed an examination before the Central Committee in any of the three vernacular languages—Marathi, Gujarati, or Kanarese—other than his own, shall obtain priority over other candidates not having so passed, who became qualified in the same year under section 22 of Act XIV of 1869.

Ordinary conditions of appointment.

X.—Except in special cases in which His Excellency the Governor in Council may otherwise order, every candidate will be appointed to the lowest grade of Subordinate Judges of the Second Class, and the appointment will be conditional on his passing, within two years, in one of the three vernacular languages other than his own, specified in Rule IX (2), if he has not done so before appointment.

Province of Sind.

Qualification.

XI.—No candidate will be appointed to the Judicial Branch in Sind whose age is less than 21, or, unless he is already in the Government service, more than 30 years, and who is not qualified to practise as an Advocate or Pleader in all the Courts of Sind, including the Sadar Court.

Application for appointment.

XII.—Every candidate for appointment shall submit his application to the Commissioner in Sind, accompanied by such certificates of age, character, nationality, physical fitness or other qualifications as may, from time to time, be prescribed by the Commissioner. If called on to do so, the candidate must satisfy the Commissioner that he is able to read and write both English and Sindhi with ease and accuracy, and that he has recently been residing for a period of not less than three years in Sind, or in some other part of the Presidency of Bombay, or in some province adjoining Sind.

Selection of candidates.

XIII.—In making appointments from among candidates already in Government service, the Commissioner will be guided in his selection solely by regard to the special merits of the candidates; in other cases he will, except when it may for special reasons seem desirable to follow some other course, and except as hereinafter provided, select from among the candidates whose certificates are satisfactory, in order, according to the dates on which they were severally allowed to practise as Advocates or Pleaders in the Courts of Sind: provided that—

(1) any candidate who refuses any appointment, substantive or acting, that may be offered to him, shall lose his claim to the next three vacancies.

(2) any candidate who during the period of three years referred to in Rule XII has been in full and continuous practice as an Advocate, Vakil or Pleader in a Civil Court shall obtain priority over other candidates who have not been so employed.

Note.—Should there be a break or breaks in the period of three full years owing to illness or absence for any other cause recognized by the Commissioner, the period of three years may consist of two or more periods preceding or following such break or breaks.

Ordinary condition of appointment.

XIV.—Except in special cases in which the Commissioner may otherwise order, every candidate will be appointed to the lowest class of Subordinate Judges in Sind.

Transfers to Sind Judicial branch.

XV.—A Subordinate Judge transferred from another part of India to Sind shall not receive any promotion in Sind after he has been there for two years, unless within that period he satisfies the Commissioner that he can talk and understands Sindhi and can read and write it with ease and accuracy.

General Rules.

Exceptional and temporary appointments.

XVI.—Nothing in any of the foregoing rules shall prevent His Excellency the Governor in Council or the Commissioner in Sind, as the case may be, from appointing in exceptional cases any person whom they consider to be specially qualified to the Executive or Judicial branch of the Provincial Service by nomination pure and simple, nor from making such arrangements for carrying on the duties of officers temporarily absent as may be convenient, nor be construed as an engagement on the part of Government, who reserve the right to vary the rules from time to time, with or without notice, as the public interests may require.

Probation.

XVII*.—Unless otherwise expressly directed, every appointment to the Provincial Civil Service shall be probationary for two years and until the probationer has passed the departmental examinations, if any, prescribed for the branch to which he belongs. Candidates appointed to the Executive branch will be required to go through a prescribed course of equitation and obtain a certificate of proficiency before they are confirmed.

Dismissal.

XVII.—After confirmation no member of the Service shall be dismissed, except on the result of a judicial or formal departmental inquiry.

Promotion.

XIX.—Promotion to appointments the salary of which is less than R500 a month will ordinarily be given according to seniority, subject to fitness and approved conduct. Promotion to appointments of which the salary is R500 a month and upwards will be based solely on fitness and merit, seniority being regarded only when the claims of two or more candidates of equal fitness and merit come into competition.

Power to transfer.

XX.—Subject to the proviso that no officer shall be transferred from the Executive to the Judicial branch unless, in the Presidency proper, he is qualified for a Subordinate Judgeship under section 22 of Act XIX of 1869, or in the Province of Sind, under Rule XI of these Rules, and has completed three years' service under Government, it shall be open to Government, on application or otherwise, to transfer an officer between the Presidency proper and Sind and from one branch of the Service to the other, and to determine his position in the Branch to which he is transferred.

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* The following note has since been added to this rule, *vide* Bombay Government's order No. 5877, dated 9th August 1897.

Note.—A probationary Deputy Collector appointed under these rules to the Executive branch of the Bombay Provincial Civil Service will be required to pass the same tests as Junior Civilians, *viz.*, the Higher and Lower Standard Departmental Examinations. The Collector of the district to which he is appointed will afford him every necessary facility for acquiring a thorough insight into his duties. Except for special reasons, a probationary Deputy Collector will not receive permanent charge of a taluka until he shall have passed the Departmental Examination, Lower Standard. A probationary Deputy Collector will not be invested with magisterial powers until he shall have passed the examination above mentioned.

APPENDIX A—1.

List of Appointments in the Executive Branch of the Bombay Provincial Civil Service in the Presidency Proper.

Serial No. of appointment.	Appointment.	Pay, Rupees per mensem.
1	Magistrate and Collector	₨1,600 or ₨1,200, according as the appointment is made to a Senior or Junior Collectorship.
2	Ditto	
3	Talukdari Settlement Officer	800
4	Deputy Collector and Magistrate, 1st Grade . . .	800
5—6	Two Deputy Collectors and Magistrates, 2nd Grade . .	700
7—12	Six Deputy Collectors and Magistrates, 3rd Grade . .	600
13—28	Sixteen Deputy Collectors and Magistrates, 4th Grade .	500
29—41	Thirteen Deputy Collectors and Magistrates, 5th Grade .	400
42—60	Nineteen Deputy Collectors and Magistrates, 6th Grade .	300

APPENDIX A—2.

List of Appointments in the Executive Branch of the Bombay Provincial Civil Service in the Province of Sind.

Serial No. of appointment.	Appointment.	Pay, Rupees per mensem.
1	Deputy Collector and Magistrate, 2nd Grade . . .	700
2	Deputy Collector and Magistrate, 3rd Grade . . .	600
3—6	Four Deputy Collectors and Magistrates, 4th Grade . .	500
7—10	Four Deputy Collectors and Magistrates, 5th Grade . .	400
11—15	Five Deputy Collectors and Magistrates, 6th Grade .	300

APPENDIX B.—1.

List of Appointments in the Judicial Branch of the Bombay Provincial Civil Service in the Presidency Proper.

Serial No. of appointment.	Appointment.	Pay, Rupees per mensem.
1	District and Sessions Judge	₨1,600, ₨1,200, or ₨1,000, according as the appointment is made to 1st, 2nd or 3rd Grade Judgeships.
2	Ditto	
3	Registrar of the High Court, Appellate Side . . .	1,200
4	Judge of the Small Cause Court, Poona	900
5	Joint Judge and Sessions Judge	800
6	Judge of the Small Cause Court, Ahmedabad . . .	800
7	Judge of the Small Cause Court at Surat and Broach . .	800
8—10	Three Subordinate Judges, 1st Class, 1st Grade . .	800
11—14	Four Subordinate Judges, 1st Class, 2nd Grade . .	650
15	Assistant Judge and Sessions Judge	₨600 or ₨500, according as the appointment is to the 1st or 2nd Grade.
16	Ditto	

APPENDIX B.—1—*contd.*

List of Appointments in the Judicial Branch of the Bombay Provincial Civil Service in the Presidency Proper—continued.

Serial No. of appointment.	Appointment.	Pay, Rupees per mensem.
17—24	Eight Subordinate Judges, 1st Class, 3rd Grade . .	500
25—43	Nineteen Subordinate Judges, 2nd Class, 1st Grade . .	400
44—65	Twenty-two Subordinate Judges, 2nd Class, 2nd Grade .	300
66—101	Thirty-six Subordinate Judges, 2nd Class, 3rd Grade. .	200
102—112	Eelven Subordinate Judges, 2nd Class, 4th Grade . .	150

APPENDIX B—2.

List of Appointments in the Judicial Branch of the Bombay Provincial Civil Service in the Province of Sind.

Serial No. of appointment.	Appointment.	Pay, Rupees per mensem.
1—2	Two Subordinate Judges, 1st Class	400
3—5	Three Subordinate Judges, 2nd Class	300
6—10	Five Subordinate Judges, 3rd Class	200
11—13	Three Subordinate Judges, 4th Class	150

No. 34. From C. J. LYALL, Esq., C.I.E., Secretary to the Government of India, Home Department, to the Chief Secretary to the Government of Bengal,—No. 268, dated the 20th March 1893.

I am directed to reply to your letter No. 100 A., dated the 9th January last, on the subject of the appointment of Natives of India to offices reserved for members of the Indian Civil Service.

2. In paragraph 4 of your letter it is said that some difficulty is felt by His Honour the Lieutenant-Governor in determining the proper place in the Provincial Service to be assigned to Mr. Umesh Chunder Batabyal, the Statutory Civilian, who has elected to join that service. You request the sanction of the Government of India to an additional appointment in the 4th grade of Deputy Magistrates and Deputy Collectors on R500 a month, and to Mr. Batabyal's appointment to it. I am to say that, in the opinion of the Governor General in Council, the best way in which the difficulty might be met would be to appoint Mr. Batabyal to a supernumerary post in the R500 grade of Deputy Magistrates and Deputy Collectors, which would either be absorbed on the next unoccupied post on R500 corresponding to a Joint Magistracy, 2nd grade, becoming available for transfer from the Indian Civil Service to the Provincial Civil Service, or would be abolished on the incumbent permanently vacating it on promotion or otherwise. The creation of a supernumerary post on R500, as a temporary arrangement, will be recommended to the Secretary of State, and Mr. Batabyal can be transferred to the Provincial Service as soon as the necessary sanction has been received.

3. You also convey His Honour's recommendation that the issue of the notification publishing the list of appointments open to the Bengal Provincial Civil Service, which was suggested in paragraph 9 of this Department's Resolution of 21st April last, should be postponed till it becomes possible for the Government to give practical effect to it by the promotion of deserving officers from the Provincial Service. On this point I am to invite a reference to this Department's letter No. 2196, dated the 10th November 1892, and the rules under Statute 33 Vict., Cap. 3, Section 6, forwarded with it. It is necessary that the proposed notification should issue as soon as possible, because the Statutory Rules of 1879 have been cancelled, and under Rules 1 and 2 of the Rules of 1892 the listed appointments must be notified in order to legalize the appointment even of Statutory Civilians to posts

reserved for the Indian Civil Service. The Governor General in Council does not apprehend that the publication of the notification in question is likely to arouse false hopes or cause disappointment to officers in the Provincial Service, as the Resolution of the Government of India, dated the 21st April 1892, has already announced what the effect of the proposed notification will be.

4. I am to add that the calculation in paragraph 3 of your letter does not appear to take into account the two special posts of Secretary to the Board of Revenue and Under Secretary to Government, to which it will be open to His Honour to appoint Statutory Civilians and members of the Provincial Service subject to the prescribed conditions.

From the Government of India, Finance and Commerce Department, to the Secretary of State for India,—No. 109, dated the 29th March 1893. No. 35.

We have the honour to forward a copy of a correspondence with the Government of Bengal on the subject of the appointment of Natives of India to offices reserved for members of the Indian Civil Service. We invite attention to paragraph 2 of our letter to that Government, and solicit Your Lordship's sanction to the creation, as a temporary measure, of a supernumerary appointment in the fourth grade of Deputy Magistrates and Deputy Collectors in Bengal on R500 a month, on the terms therein mentioned.

From the Right Honourable Her Majesty's SECRETARY OF STATE for India, to His Excellency the Most Honourable the GOVERNOR GENERAL of India in Council,—No. 49 Public, dated the 4th May 1893. No. 36.

Having considered in Council the letter of your Government, No. 109 (Finance and Commerce), dated the 29th of March last, I sanction the creation, as a temporary measure, of a supernumerary appointment in the fourth grade of Deputy Magistrates and Deputy Collectors in Bengal on R500 a month on the terms which you propose.

From H. J. S. COTTON, Esq., C.S.I., Chief Secretary to the Government of Bengal, to the Secretary to the Government of India, Home Department,—No. 1006 A.-D., dated the 14th October 1893. No. 37.

I am directed to acknowledge the receipt of your letter No. 1201, dated the 28th August 1893, and to submit, for the formal sanction of the Government of India, the accompanying rules for admission to the Executive Branch of the Provincial Civil Service, as finally revised by this Government in accordance with the suggestions contained in your letter under acknowledgement.

2. I am to add that the rules for the Judicial Service will be submitted subsequently, but as the necessary correspondence with the High Court will occasion some delay, the Lieutenant-Governor has preferred not to postpone the publication of the rules for the Executive Service until both sets are ready.

DRAFT RULES FOR ADMISSION TO THE PROVINCIAL CIVIL SERVICE.

I.—Draft Rules for admission into the Executive Branch of the Provincial Civil Service.

DEFINITION.—"The Executive branch of the Provincial Service" includes Deputy Collectorships and Deputy Magistracies.

1. The Lieutenant-Governor will determine from time to time what proportion of appointments to the Executive branch of the Provincial Service shall be made (1) by direct competition, (2) by selection from among candidates after examination, and (3) by promotion of selected officers who are already in the Subordinate Civil Service.

2. Sufficient notice shall be given to the public regarding the date and place of the examination and the number of appointments to be filled up by direct competitive examination and by selection after examination.

3. All candidates for examination shall apply in writing to the Under Secretary in the Appointment Department not later than the first day of the month preceding that in which the examination will be held. The application shall be accompanied by a fee of R20, and by certificates to the following effect:—

(1) That on the date fixed for the examination the candidate's age will not exceed 25 years. This certificate should be supported by the candidate's horoscope, or if the horoscope cannot for sufficient reason be produced, by other sufficient evidence, such as the sworn affidavit of a near relation. This condition of age

may be relaxed on sufficient grounds being shown in favour of persons already in the Government service who may be considered suitable candidates for these appointments.

(2) That he is of good moral character.

(3) That he has passed the B. A. Examination of the Calcutta University, or that he has received an education not below the standard of such examination.

(4) That he is of sound health and good physique, and capable of bearing fatigue and exposure. This certificate must be signed either by the Civil Surgeon of the district in which the candidate resides, or, if in Calcutta, by the Resident Physician or the Resident Surgeon of the Calcutta Medical College Hospital. The fee for medical examination will in all cases be R4.

(5) That he is of active habits and able to ride. The certificate must be signed by a District Officer (or in his absence from head-quarters, by the Joint Magistrate in charge), or by the Commissioner or Deputy Commissioner of Police, Calcutta.

Each candidate shall also submit a statement showing the landed property owned by him or in which he may have any interest, or which may be held by and managed by his wife or by any other member of his family living with or in any way dependent on him.

The Lieutenant-Governor may at his discretion call for such additional proof as he may think fit in reference to any of the above points.

4. The subjects of examination and the marks to be awarded will, until further orders, be as follows :—

(*a*) *English.*—The examination will be so arranged as to test a candidate's ability to write correct and idiomatic English, and will include précis-writing and letter-drafting. In awarding marks in these papers, great weight will be attached to good and legible hand-writing.

(*b*) *Vernacular.*—Candidates will be examined in one of the following languages at their option :—Bengali, Urdu, Hindi, and Uriya. The examination will include—

(1) Translation into English of proceedings, petitions, reports, etc., written in manuscript.

(2) Translation from English into the vernacular selected.

(*c*) *Law.*—

(1) Regulation I of 1793 and Field's Introduction to the Regulations ; Act VIII of 1885 ; Regulation VII of 1822 ; Act X of 1870.

(2) The Penal Code ; the Code of Criminal Procedure ; the Code of Civil Procedure ; the Evidence Act.

(*d*) *Surveying.*—Survey and mensuration.

The marks will be given on the following scale :—

English	300
Vernacular	100
Law	300
Surveying	100
TOTAL	800

5. On receipt of the results of the examination, the Lieutenant-Governor will declare the names of those candidates who are entitled, by the results of the competition, to obtain an appointment, and will also select for appointment, from among those who have obtained an aggregate of not less than one-third of the maximum marks awarded at examination, the candidates whom he may consider qualified for the appointments which have been reserved for selection after examination.

6. Nothing in these rules shall be held to prevent the Lieutenant-Governor from appointing, in exceptional cases, any person whom he may consider to be specially qualified for the Provincial Service by nomination pure and simple.

7. Every person appointed to the Provincial Service otherwise than by selection from officers who are in the Subordinate Civil Service shall be subject to a period of probation or training, during which time his appointment will be probationary only, unless in special cases the Lieutenant-Governor declares such probation or training to be unnecessary.

8. Probationers will receive a subsistence allowance of R50 per mensem.

9. Europeans who do not satisfy the definition of Native of India contained in section 6, Statute 33 Vict., cap. 3, are not eligible for appointment to the Provincial Service without the previous sanction in each case of the Government of India. With such sanction they may be appointed if they are qualified under the conditions mentioned in Rule 3.

10. The subjects of Native Princes in alliance with Her Majesty the Queen, Empress of India, are eligible for appointment to the Provincial Service if they are qualified under the conditions mentioned in Rule 3.

11. All candidates for admission to the Provincial Service must furnish satisfactory evidence of a thorough knowledge of at least one of the vernacular languages of the Province. The Lieutenant-Governor will require all candidates (other than officers promoted from the Subordinate Civil Service) who have not already furnished such evidence at some recognized examination, to pass a special examination in either Bengali, Hindi, Urdu, or Uriya before appointment. The object of the examination will be to test the candidate's knowledge of the language and ability to write and read the written character with facility, and the examination will correspond with that described above in Rule 4 (*b*).

12. Promotion to grades below that on R500 a month will ordinarily be given according to seniority, subject to fitness and approved conduct. But the Lieutenant-Governor reserves to himself the right to make promotion to the senior grade of the Provincial Service by special selection for merit without regard to seniority, and hereby declares that seniority alone shall not give a claim to appointment to the grade on R500 or higher grades.

13. No member of the Provincial Service shall be dismissed, otherwise than on the result of a judicial or formal departmental inquiry.

II.—Draft Rules for admission into the Subordinate Civil Service.

DEFINITION.—"The Subordinate Civil Service" includes Sub-Deputy Collectorships and any other appointments which the Lieutenant-Governor may from time to time declare specifically to be included therein.

1. The Lieutenant-Governor will determine from time to time what proportion of the appointments to the Subordinate Civil Service shall be made by direct competition and by selection after examination, and will give sufficient notice to the public regarding the number of appointments to be so made.

2. The examination for appointments to the Subordinate Civil Service will be the same as that prescribed for entrance to the Executive Branch of the Provincial Civil Service, and after the number of candidates required for the Executive Branch has been selected, the Lieutenant-Governor will select from the remaining candidates the number required for the Subordinate Service.

3. The subjects of Native Princes in alliance with Her Majesty the Queen, Empress of India, are eligible for appointment to the Subordinate Civil Service if they are qualified under the conditions mentioned in Rule 3 of the rules for the Executive Branch of the Provincial Civil Service.

4. Nothing in these rules shall be held to prevent the Lieutenant-Governor from appointing in exceptional cases any person whom he may consider to be specially qualified for the Subordinate Civil Service by nomination pure and simple.

5. Every person appointed to the Subordinate Civil Service shall be subject to a period of probation or training, during which time his appointment will be probationary only, unless in special cases the Lieutenant-Governor declares such probation or training to be unnecessary.

6. Probationers will receive a subsistence allowance of R30 per mensem.

From H. LUSON, Esq., Under Secretary to the Government of India, Home Department, to the Chief Secretary to the Government of Bengal,—No. 1723, dated the 9th November 1893. No. 38.

In reply to your letter No. 1006-A. D., dated the 14th ultimo, I am directed to convey sanction to the rules therewith submitted for admission to the Executive Branch of the Provincial Civil Service.

From H. J. S. COTTON, Esq., C.S.I., Chief Secretary to the Government of Bengal, to the Secretary to the Government of India, Home Department,—No. 1049-A., dated the 7th February 1894. No. 39.

With reference to your letter No. 1201, dated the 28th August 1893, I am directed to submit, for the sanction of the Government of India, the accompanying draft rules for admis-

sion to the Judicial branch of the Provincial Civil Service. These rules have been framed in accordance with the suggestions contained in paragraph 8 of your letter, and it will be seen from the copies of the correspondence * submitted herewith that they have met with the approval of the Honourable Judges of the High Court.

* Letter from this Government, to the Registrar of the High Court, No. 1007-A.D., dated the 14th October 1893.

Letter from the Registrar of the High Court, to this Government, No. 184, dated the 24th January 1894.

2. As regards the suggestion, contained in parapraph 10 of your letter under reply, for the amendment of Act XII of 1887 with a view to enable the High Court themselves to appoint instead of merely nominating Munsifs and to dispose of appeals from the ministerial officers in the Judicial Department on the subject of their dismissal, suspension or the like, I am to say that the suggestion is one which appears to the Lieutenant-Governor to be open to much objection, and that His Honour trusts that it will not be pressed by the Government of India.

Draft Rules for admission into the Judicial Branch of the Provincial Civil Service.

Definition.—"The Judicial Branch of the Provincial Civil Service" includes Small Cause Court Judgeships outside the Presidency town, Sub-Judgeships, Munsifships and any other appointments which the Lieutenant-Governor may from time to time specially declare to be included therein.

1. In accordance with section 7 of Act XII of 1887, nominations to Munsifships will be made by the High Court under the following rules, which have been framed by the Lieutenant-Governor in consultation with the High Court, and sanctioned by the Governor-General in Council.

2. A candidate shall present an application in writing to the Registrar of the High Court, Appellate Side. This shall ordinarily be accompanied by the following certificates, *viz.*—

(1) that the candidate's age does not exceed 27 years;

(2) that he has obtained the degree of B.L., or has passed the Senior Pleadership or some analogous examination, or is a Barrister-at-law, or Member of the Faculty of Advocates in Scotland, or is an Attorney on the rolls of the High Court;

(3) that he is of good moral character and has received a liberal education;

(4) that he has practised as a Pleader or Barrister or Member of the Faculty of Advocates in Scotland, or Attorney for not less than three years: the High Court may for special reasons dispense with a portion (not exceeding two years) of this period;

(5) that he is in good health and is physically fit for service. The certificate of health must be signed by a Presidency Surgeon or a Civil Surgeon.

3. It shall be within the discretion of the High Court to require any such additional proof on any of the above points as it may think fit.

4. If the qualifications of the candidate are satisfactory to the Court, his name shall be entered in a register as eligible for admission to the Subordinate Judicial Service, but priority of entry in the register shall confer no right of priority of appointment. A candidate's name shall be removed from the register in the event of failing to obtain a gazetted appointment under section 7 of Act XII of 1887, before attaining the age of 29 years.

5. At the time a registered candidate is appointed permanently to the Service, he shall ordinarily be required to submit a fresh health certificate signed by a Presidency Surgeon or a Civil Surgeon.

APPENDIX.

The following Rules which the Government of India and the Secretary of State have determined shall be applied in all branches of the Provincial Civil Service are published for the information of candidates for admission to the Judicial branch:—

1. Europeans who do not satisfy the definition of Native of India contained in section 6, Statute 33 Vict., cap. 3, are not eligible for appointment to the Provincial Service without the previous sanction in each case of the Government of India. With such sanction they may be appointed if they are qualified under the conditions mentioned in Rule 2 of the above rules.

2. The subjects of the Native Princes in alliance with Her Majesty the Queen, Empress of India, are eligible for appointment to the Provincial Service if they are qualified under the conditions mentioned in Rule 2 of the above rules.

3. All candidates for admission to the Judicial branch must furnish satisfactory evidence of a thorough knowledge of at least one of the vernacular languages of the Province. The High Court will require all candidates who have not already furnished such evidence at some recognized examination to pass a special examination in either Bengali, Hindu, Urdu or Uriya, before appointment. The object of the examination will be to test the candidate's knowledge of the language and ability to write and read the written character with facility. The examination will include—

(1) Translation into English of proceedings, petitions, reports, etc., written in manuscript.

(2) Translation from English into the vernacular selected.

4. Every person appointed to the Judicial branch shall be subject to a period of probation or training, during which time his appointment will be probationary only, unless in special cases the High Court declare such probation or training to be unnecessary.

5. Promotion to grades below that on R600 a month will ordinarily be given according to seniority, subject to fitness and approved conduct. But the Lieutenant-Governor reserves to himself the right to make promotion to the senior grades of the Provincial Service by special selection for merit without regard to seniority, and hereby declares that seniority alone shall not give a claim to appointment to the grade on R600 or higher grades.

6. No member of the Judicial branch shall be dismissed otherwise than on the result of a judicial or formal departmental inquiry.

From L. M. THORNTON, Esq., Deputy Secretary to the Government of India, Home Department, to the Chief Secretary to the Government of Bengal,—No. 427, dated the 5th March 1894. No. 40.

I am directed to acknowledge the receipt of your letter No. 1049-A., dated the 7th ultimo, and in reply to say that the draft Rules therewith submitted for admission to the Judicial branch of the Bengal Provincial Civil Service are approved by the Governor General in Council.

2. With reference to paragraph 2 of your letter, I am to say that His Excellency in Council will not press the proposal made in paragraph 10 of the letter from this Department No. 1201, dated the 28th August last, for the amendment of Act XII of 1887, which was objected to by the Government of Bengal.

From the Honourable H. J. S. COTTON, C.S.I., Chief Secretary to the Government of Bengal, to the Secretary to the Government of India, Home Department,—No. 2656-A., dated the 17th April 1894. No. 41.

I am directed to submit the accompanying memorial from the Pleaders of the Mymensingh Bar requesting that the rule fixing 25 years as the maximum age up to which candidates can be permitted to appear at the examination for admission to the Executive branch of the Provincial Civil Service may be relaxed in the case of persons engaged in a learned profession.

2. In submitting the memorial I am to state that, during the last two years, similar memorials have been received by this Government from the Bar Associations of Mymensingh and other districts. In view, however, of the condition laid down in paragraph 11 of the Home Department letter No. 1537, dated the 27th May 1892, that every candidate for appointment in the Provincial Civil Service by recruitment must not be over 25 years of age except in the case of Barristers, Advocates, or Pleaders appointed to the Judicial branch otherwise than by competitive examination, the memorialists were informed that the general conditions which had been laid down by the Government of India and the Secretary of State precluded their admission to the Provincial Service Examination if their age exceeded 25 years. This condition of age has been incorporated in the rules which have been recently approved by the Government of India. In these circumstances, the Lieutenant-Governor does not consider that the rules can be relaxed in the direction proposed.

To His Excellency the Right Honourable VICTOR ALEXANDER BRUCE, EARL of ELGIN and KINCARDINE, P.C., LL.D., Lord Bruce of Kinloss and Lord Bruce of Torry and Baron Elgin, of Elgin, Viceroy and Governor General of India.

The humble memorial of the undersigned Legal Practitioners of Mymensingh in Bengal.

MOST RESPECTFULLY SHEWETH,—That on the 8th December 1892 some Pleaders of the local Bar submitted a memorial to the Government of Bengal praying for relaxation of the

rules with regard to the restriction of age in the case of lawyers requiring permission to appear at the examination for admission into the Executive branch of the Provincial Civil Service and Subordinate Civil Service under the Local Government.

2. That the said petition has been rejected by the Local Government, and that similar memorials sent up from Faridpur, Bhagalpur, Rajshahye have also been rejected; the chief reason for the same, your memorialists understand, being that the present rules for the said examination have been sanctioned by the Government of India and approved by the Secretary State for India in Council.

3. Your memorialists, therefore, now beg most respectfully to move Your Excellency in the matter, and to pray that Your Excellency will be most graciously pleased to direct a of reconsideration of the rules restricting age on the following amongst other grounds:—

(*a*) That the present rules for the selection from lawyers of candidates for the Subordinate Judicial Service at an age exceeding that (25 years) prescribed for the aforesaid examination have not rendered the Subordinate Judicial Service less efficient.

(*b*) That even the rules in question restricting the age may be relaxed in the case of Government servants who are otherwise deemed fit (*vide* clause 1 of Rule 3 of the rules published in the *Calcutta Gazette* of the 6th December 1893, Part I, page 1009).

(*c*) That the class, *viz.*, lawyers, do, as a matter of fact, acquire sufficient knowledge of official business in their profession; and this, your memorialists venture to hope, will greatly add to the efficiency of the Service if the prescribed limit of age be considerably relaxed in their case.

(*d*) That your memorialists believe that similar relaxation of the age-limit in the case of persons already engaged in a learned profession was permitted by the rules for the Statutory Civil Service Examination (*vide* Resolution, dated 7th November 1887, published in the *Calcutta Gazette* of 16th November 1887, Part I, page 922, paragraph 3), and is also at present permitted by the rules for the recruitment of the Assam Provincial and Subordinate Civil Services (*vide* Rule 34 of the rules published at page 1166 of Part I of *Calcutta Gazette*, dated 28th December 1892).

(*e*) That your memorialists venture to hope that the efficiency of the magistracy that will thus be secured will more than counterbalance the deficiency in the number of years of service that will necessarily result.

Your memorialists, therefore, most humbly pray that Your Excellency will be graciously pleased to direct that clause 1 of Rule 3 of the rules (published in the *Calcutta Gazette* of the 6th December 1893, Part I, page 1009) be so revised as to allow a relaxation of the age-limit in the case of persons engaged, as your memorialists are, in a learned profession.

And your memorialists as in duty bound shall ever pray.

MYMENSINGH;
The 14th March 1894.

ISHAN CHANDER CHAKRAVARTI, B.L.,
and twenty-nine others,
Pleaders.

No. 42.

From L. M. THORNTON, Esq., Officiating Deputy Secretary to the Government of India, Home Department, to the Chief Secretary to the Government of Bengal,—No. 875, dated the 10th May 1894.

I am directed to acknowledge the receipt of your letter No. 2656A., dated the 17th ultimo, submitting a memorial from the legal practitioners of Mymensingh, in which they pray that the rule fixing 25 years as the maximum age up to which candidates can be permitted to appear at the examination for admission to the Executive branch of the Bengal Provincial Civil Service may be relaxed in the case of persons engaged in a learned profession.

2. In reply I am to say that the Government of India do not see any reason for relaxing, as desired by the memorialists, the prescribed limit of age in respect to appointments to the Executive Service. I am to request that, with the permission of His Honour the Lieutenant-Governor, they may be informed accordingly.

No. 43.

From the Chief Secretary to the Government of the North-Western Provinces and Oudh, to the Secretary to the Government of India, Home Department,—No. 2878, dated the 27th September 1893.

With reference to the reminder No. 1141, dated 20th September 1893, I am directed to forward, for the information of the Government of India, a copy of a Notification No. $\frac{1904}{11-597}$

dated 4th July 1893, issued by this Government and publishing the rules for regulating admissions to the North-Western Provinces and Oudh Provincial Civil Service in the Revenue and Judicial branches.

Notification of the Government of the North-Western Provinces and Oudh, No. $\frac{1904}{11-692}$, *dated the 4th July 1893.*

The following rules, sanctioned by the Government of India for regulating admissions to the North-Western Provinces and Oudh Provincial Civil Service in the Revenue and Judicial branches, are published for general information :—

RULES FOR THE REVENUE BRANCH.

1. The North-Western Provinces and Oudh Provincial Civil Service includes in the Revenue branch the office of Deputy Collector from the lowest grade upwards. The Subordinate Service in the Revenue branch includes the office of Tahsildar from the highest grade downwards.

2. Admission to the North-Western Provinces and Oudh Provincial Civil Service in the Revenue Branch will be—

(*a*) by recruitment, *i.e.*, by appointment of persons not already in Government service;

(*b*) by promotion from the Subordinate Service.

3. Candidates may be nominated by the Board of Revenue, but the ultimate selection and appointment in either of the modes specified in the preceding rule will be made by the Local Government, which, in exercising these powers, will endeavour to secure the due representation of the different classes of the community. Not less than two-thirds of the total number of appointments made annually under these rules will, until further orders, be by promotion from the Subordinate Service.

4. Appointments under these rules will ordinarily be made to the lowest grade of Deputy Collector. But in exceptional cases and for special reasons appointments may be made direct, under Rule 2(*a*), to the higher grades with the previous sanction of the Government of India.

5. Europeans not coming within the Statutory definition of "Native of India" (33 Vict., cap. 3, section 6) may, if otherwise eligible under these rules, and on sufficient cause existing for their appointment, be admitted to office under these rules, with the previous sanction of the Government of India, in accordance with the Government of India's (Home Department) Notification No. $\frac{22}{747}$, dated 18th April 1879.

(*a*)—Recruitment.

6. The qualifications which are indispensable in the case of persons appointed to office under these rules who are not already in Government service are—

(1) that he is a natural-born subject of Her Majesty, or a subject of a Native Prince in alliance with Her Majesty;

(2) that he has resided in the Province for at least three years, and has a thorough knowledge of the vernacular;

(3) that he is not under 20 or ordinarily over 25 years on his last birthday (Article 63, Civil Service Regulations);

(4) that he is of sound health, good physique, and active habits;

(5) that he is of good character;

(6) that he possesses a minimum educational qualification equivalent to the entrance standard of an Indian University. The minimum educational qualification in the case of a European will be deemed to be the final examination standard prescribed for European schools, and he must further have passed the higher standard vernacular examination prescribed for civil officers.

7. In making appointments under this sub-division of the rules from among persons nominated who possess the above essential qualifications, the Local Government will give the preference to natives of, and persons domiciled in, the North-Western Provinces and Oudh; and will give special preference to—

(*a*) members of families of tried loyalty and distinguished service, good social status and influence in the country;

(*b*) persons of superior educational attainments such as graduates of an Indian University.

8. On first appointment to office under this sub-division of the rules the persons selected will be required to serve as a probationary Deputy Collector. For the first six months he will receive a salary of R100 per mensem. At the end of that period, should the report of his probation be unsatisfactory, his further service will be discontinued. Should the report be satisfactory, he will be granted a salary of R150 per mensem. He will be granted a salary of R200 per mensem when he has passed the departmental examination in all subjects by the Lower Standard. Every probationer will be required to pass the departmental examination by the Higher Standard within a period of three years from his first appointment, and will not be confirmed as a Deputy Collector until he has passed. Should he fail at the end of the three years to pass the prescribed examination, his name will be removed from the list of Deputy Collectors.

(*b*)—Appointment by Promotion.

9. Appointment by promotion to office under this sub-division of the rules will be made as a reward for meritorious service from the Revenue or any other branch of the Subordinate Service of the Province.

10. The educational qualification specified in Rule 6 will be required in the case of persons promoted from the Subordinate Service, unless the Government for special reasons sees fit to dispense with it. A sufficient knowledge of English for the transaction of treasury business will be held indispensable, save in the case of Tahsildars, in whose favour the Government reserves to itself the power of relaxing this condition.

11. A person appointed by promotion from the Subordinate Service shall be considered to be on probation until he has fully passed the examination for civil officers by the Higher Standard and has been satisfactorily reported on. Should he fail to pass the examination within three years, he will be reduced to the Subordinate Service. The Government reserves to itself the power of specially exempting from this examination any person who has held the office of Tahsildar for not less than ten years and has been promoted for meritorious service under Rule 9 to office under these rules: but a person so exempted will not be confirmed in the office to which he has been admitted under the aforesaid rule until he has been satisfactorily reported on in that office.

(*c*)—General.

12. In the case of promotion to listed appointments notified as open to the Provincial Service, the principle of special selection will be strictly adhered to.

13. Appointments to the grade of Deputy Collector on R500 a month or more are considered superior grades, and the Local Government reserves to itself the right to promote to these grades without regard to seniority.

14. Promotion to all other grades of the Provincial Service will be regulated by seniority qualified by fitness and merit.

15. No member of the Provincial Service shall be dismissed otherwise than on the result of a judicial or formal departmental inquiry.

RULES FOR THE JUDICIAL BRANCH*.

I.—General.

1. The North-Western Provinces and Oudh Provincial Civil Service includes in the Judicial branch the offices of Subordinate Judge, of Judge of a Court of Small Causes (with the two following exceptions), and of Munsif. The posts of Judge of the Small Cause Court at Allahabad and at Lucknow are appointments to which members of the North-Western Provinces and Oudh Provincial Civil Service can properly be appointed, subject to the rules for the time being in force, under 33 Vict., cap. 3, section 6: but the appointments are not on the list of appointments allotted to the North-Western Provinces and Oudh Provincial Civil Service, and are not dealt with in these rules. The Subordinate Service, in the Judicial branch, includes the office of Munsarim from the highest grade downwards and the ministerial officers of the Civil Courts and of the Legal Remembrancer's office.

* As amended by the North-Western Provinces and Oudh Government's Notification No. $\frac{4065}{11-592}$, dated 12th December 1894.

2. Admission to the North-Western Provinces and Oudh Provincial Civil Service in the Judicial branch will be—

(*a*) by recruitment, *i.e.*, by appointment of persons other than Deputy Collectors [*vide* Rule 9(7) iii] not already in Government service;

(*b*) by promotion from the Subordinate Service.

3. Nominations to the office of Munsif in the North-Western Provinces are made by the High Court of Judicature for the North-Western Provinces, under section 7, Act XII of 1887, and the persons so nominated are appointed by the Local Government. The Local Government will, in communication with the High Court or the Judicial Commissioner of Oudh, as the case may be, select the persons to be appointed, and appoint Munsifs in Oudh, Judges of Small Cause Courts, and Subordinate Judges.

4. In making nominations and appointments, the High Court and the Local Government will endeavour to secure the due representation of the different classes of the community, and will give preference, in selecting from among qualified candidates, to the following persons:—

(*a*) natives of, and persons domiciled in, the North-Western Provinces and Oudh;

(*b*) persons of superior educational attainments, such as graduates of an Indian University;

(*c*) members of families of tried loyalty and distinguished service, good social status and influence in the country.

5. First appointments under these rules will be made to the lowest grade of Munsif.

6. The Government of India has retained power in very special cases to sanction direct appointments, to offices in the higher grades, of Barristers, Advocates, Vakils, or Pleaders of the High and Chief Courts (inclusive of the Judicial Commissioner's Court) who have shown distinguished ability in the exercise of their profession for not less than ten years and have a thorough knowledge of the vernacular.

II.—Qualifications of persons to be appointed to the office of Munsif.

7. Under section 7 (2), Act XII of 1887, the following rules as to the qualifications of persons to be appointed to the office of Munsif in the North-Western Provinces are made by the Local Government, after consultation with the High Court and with the previous sanction of the Governor General in Council. The same qualifications are prescribed for candidates for the office of Munsif in Oudh:—

(*a*)—*Appointment by recruitment.*

8. The qualification for appointment by recruitment shall be—

(1) that the candidate is a native of India as defined by 33 Vict., cap. 3, section 6, or that he is a subject of a Native Prince in alliance with Her Majesty: or if he is a European, other than a native of India, that the previous sanction of the Government of India has been obtained to his appointment, in accordance with the Government of India's (Home Department) Notification No. $\frac{22}{747}$, dated 18th April 1879;

(2) that he has recently resided in the North-Western Provinces or Oudh for at least three years;

(3) that he is not under 20 or ordinarily over 30 on his last birthday (Article 63, Civil Service Regulations);

(4) that he is of sound health and good physique;

(5) that he is of good character;

(6) that he has a thorough knowledge of the vernacular, can read and write Hindustani (Urdu) in the Persian character, and can read and write English; and

(7) that he belongs to one of the following classes of persons:—

(i) Advocates, Attorneys, or Vakils on the rolls of, and entitled as such to practise in, the High Court of Judicature for the North-Western Provinces; Advocates or Pleaders on the rolls of, and entitled as such to practise in, the Judicial Commissioner's Court in Oudh:

Provided that they have actually practised their profession for at least three years in India;

(ii) persons who—

(a) have obtained the decree of Bachelor of Laws of the Allahabad University; or

(b) prior to 1st January 1892 ave obtained the decree of Bachelor of Laws of the Calcutta University; or

(c) have obtained a certificate of the Examination Board that they have qualified for admission as Vakils of the High Court of Judicature for the North-Western Provinces, and in the case of Oudh have also passed the Oudh Local Laws Examination;

and have for a period of three years practised as Vakils or as Pleaders in any Court subordinate to the High Court for the North-Western Provinces, or as Pleaders in any Court subordinate to the Court of the Judicial Commissioner of Oudh;

(iii) persons who have for a period of three years held the office of Deputy Collector, or of District Government Pleader in the North-Western Provinces and Oudh:

Provided that a Deputy Collector shall not be eligible for appointment, unless he has been admitted as a Pleader or holds a certificate of the Examination Board that he has qualified for admission either as a Pleader, or as a Vakil of the High Court of Judicature for the North-Western Provinces.

(b)—*Appointment by Promotion.*

9. Appointment by promotion to the office of Munsif under this sub-division of the rules will be made, as a reward for meritorious service, from the Subordinate Service of the Provinces.

10. The qualifications shall, in addition to the qualifications prescribed in Rule 8 [sub-heads (3) and (7) alone excepted], be—

(1) that the candidate has for a period of three years held one of the following offices:—

Tahsildar;

Deputy Registrar of the Court of the Judicial Commissioner of Oudh.

Translator . } in the High Court of Judicature for the North-
Reader . . } Western Provinces or in the Court of the Judicial
Decree-writer . } Commissioner of Oudh;

Registrar of a Court of Small Causes;

Head Assistant of the Legal Remembrancer's office; and

(2) that he (a) has obtained the degree of Bachelor of Laws of the Allahabad University; or

(b) prior to 1st January 1892 has obtained the degree of Bachelor of Laws of the Calcutta University; or

(c) has been admitted as a Pleader, or holds a certificate of the Examination Board that he has qualified for admission either as a Pleader or as a Vakil of the High Court of Judicature for the North-Western Provinces.

III.—Miscellaneous.

11. The Examination Board referred to in Rules 8 and 10 is the Board for the examination of candidates for admission as Vakils of the High Court and as Pleaders appointed under the rules of the High Court of Judicature for the North-Western Provinces, and under section 37, Act XVIII of 1879.

12. On first appointment under Part II (a) or (b) of these rules to any office in the Judicial Branch of the North-Western Provinces and Oudh Provincial Civil Service, the person appointed as Munsif will be considered to be on probation for one year, unless in special cases the Local Government declare such probation to be unnecessary. At the end of that period, should the report of his probation be unsatisfactory, his further service may be discontinued. Should the report be satisfactory, he will then be confirmed. But in the case of a Munsif in Oudh, he will be required to pass the examination prescribed by the rules for the departmental examination of officers within a period of one year from the date of confirmation, failing which he will be liable to removal: provided that the examination next after his confirmation be not less than six months from the date of such confirmation.

13. Save in the case of appointments to higher offices made under the rules framed under 33 Vict., cap. 3, section 6, promotion from one grade or class of office included in the North-Western Provinces and Oudh Provincial Civil Service to a higher will ordinarily be regulated by seniority, qualified by fitness and merit. Seniority, however, shall give no claim to any appointment on R500 *per mensem* or more.

14. In Oudh, Munsifs are required to pass the Higher Standard examination in civil law before being promoted to the office of Subordinate Judge.

15. Subject to the provisions of section 28, Act XII of 1887, no member of the North-Western Provinces and Oudh Provincial Civil Service shall be dismissed otherwise than on the result of a judicial or formal departmental inquiry.

Extract from the Proceedings of the Government of India in the Home Department (Public), No. $\frac{14\text{-Public}}{1358-1368}$, dated the 13th September 1895. No. 44.

Read—

Home Department Resolution No. $\frac{2\text{-Public}}{1342-1352}$, dated the 21st April 1892.

Despatch from the Secretary of State, No. 14 (Public), dated the 21st February 1895.

Letter from the Government of the North-Western Provinces and Oudh, No. 2465, dated the 13th July 1895.

RESOLUTION.

In paragraph 5 of the Resolution cited in the preamble, the rates of pay for officers of the Provincial Service holding appointments as District and Sessions Judges in the North-Western Provinces and Oudh, which were listed as open to that Service, were fixed as follows:—

	R
1st grade	2,000
2nd „	1,600
3rd „	1,200
4th „	1,000

2. A new grade of District and Sessions Judgeship having been recently sanctioned in those Provinces, on a pay of R2,250 when held by officers of the Indian Civil Service, the Governor General in Council is pleased to decide that the pay of an officer of the Provincial Service holding an appointment in this grade shall be fixed at R1,500. The rates of pay for officers of the North-Western Provinces and Oudh Provincial Civil Service holding listed appointments of District and Sessions Judges in the different grades will accordingly henceforth be as follows:—

	R
1st grade	2,000
2nd „	1,600
3rd „	1,500
4th „	1,200
5th „	1,000

ORDER.—Ordered, that this Resolution be communicated to Local Governments and Administrations, and that it be published in the *Gazette of India* for general information.

(True Extract.)

J. P. HEWETT,

Offg. Secretary to the Government of India.

Punjab Gazette Notification No. 84, dated 21st January 1893. No. 45.

With the previous sanction of the Governor General in Council, the Honourable the Lieutenant-Governor is pleased to notify that the following appointments in the Punjab, to fill which members of the Civil Service of India or Military Officers have hitherto been

recruited, shall be appointments to which members of the Punjab Provincial Civil Service can properly be appointed, subject to the rules for the time being in force under Statute 33 Vict., cap. 3, section 6 :—

2 appointments of Divisional Judge;

2 " of Deputy Commissioner;

2 " of District Judge;

2 " of Settlement Collector;

1 appointment of Junior Secretary to the Financial Commissioner.

2. When these appointments are held by members of the Punjab Provincial Civil Service the pay of each shall be as follows :—

Divisional Judge if of the 1st grade, R1,600 per mensem;
Divisional Judge if of the 2nd grade, R1,400 per mensem;
Divisional Judge if of the 3rd grade, R1,200 per mensem;
District Judge if of the 1st grade, R1,000 per mensem;
District Judge if of the 2nd grade, R800 per mensem;
Deputy Commissioner if of the 1st grade, R1,600 per mensem;
Deputy Commissioner if of the 2nd grade, R1,200 per mensem;
Deputy Commissioner if of the 3rd grade, R1,000 per mensem;
Settlement Collector if of the 1st grade, R1,000 per mensem;
Settlement Collector if of the 2nd grade, R800 per mensem;
Junior Secretary to Financial Commissioners, R600 per mensem.

3. In addition to the above-mentioned appointments, the following appointments in the Punjab Commission have been thrown open to the Punjab Provincial Civil Service, and as they may become available will be added to the existing grades of that Service :—

1 Assistant Commissionership, 1st grade;
1 Assistant Commissionership, 2nd grade;
1 Assistant Commissionership, 3rd grade;

Converted into—

1 Extra Assistant Commissionership, 3rd grade, on R600;
1 Extra Assistant Commissionership, 5th grade, on R400;
1 Extra Assistant Commissionership, 6th grade, on R300.

No. 46. From C. J. Lyall, Esq., C.S.I., C.I.E., Secretary to the Government of India, Home Department, to the Chief Secretary to the Government of the Punjab,—No. 809, dated the 9th June 1893.

I am directed to acknowledge the receipt of your letter No. 381, dated the 6th April 1893, recommending that Pandit Hari Kishen Kaul, who was appointed in 1890 as a Probationary Assistant Commissioner under the Statute of 1870 on the understanding that he would be included in the Provincial Service when created, should be granted a salary of R300 a month with effect from the 17th April 1892, when he passed his departmental examinations.

2. In reply I am to say that the Governor General in Council sanctions the appointment of Pandit Hari Kishen Kaul to the sixth grade of Extra Assistant Commissioners on R300 a month, with effect from the 21st April 1893, the date of this Department's Resolution regarding the constitution of the Provincial (Executive and Judicial) Services.

No. 47. From H. C. Fanshawe, Esq., Chief Secretary to the Government of the Punjab, to the Secretary to the Government of India,—No. 306, dated the 26th March 1898.

In reply to your letter No. 46, dated the 11th of January 1896, I am desired to submit, for the information of the Government of India, a copy of the rules for admission to the Punjab Provincial Civil Service as finally revised and issued by this Government.

2. With reference to paragraph 7 of your letter, I am to explain that the Lieutenant-Governor has decided not to issue any memorandum, as the rules of the 2nd of November 1892 and the list of appointments which have been declared to be open to the Punjab Provincial Civil Service have already been notified, and His Honour thinks there is no need to republish them.

HOME DEPARTMENT.

GENERAL.

The 29th January 1896.

No. 102.—The following rules regulating the appointment of Members of the Punjab Provincial Civil Service, which have been approved by the Governor-General in Council, are published for general information:—

THE APPOINTMENTS BELONGING TO THE PUNJAB PROVINCIAL CIVIL SERVICE AND CONDITIONS OF PROMOTION.

1. The Provincial Civil Service contains the following grades of appointments:—

Judicial.

2	Extra Judicial Assistants		on R800	per mensem.
3	Ditto	ditto	700	ditto.
4	Ditto	ditto	600	ditto.
8	Ditto	ditto	500	ditto.

Executive.

2	Extra Assistant Commissioners		on R800	per mensem.
3	Ditto	ditto	700	ditto.
4	Ditto	ditto	600	ditto.
8	Ditto	ditto	500	ditto.

General.

25	Extra Assistant Commissioners,		5th Grade, on R400.
23	Ditto	ditto,	6th Grade, on R300.
19	Ditto	ditto,	7th Grade, on R250.

Ungraded Appointments.

1 Assistant Secretaryship to Government in the Financial Branch at R700—20—800.

1 Assistant Secretaryship to the Financial Commissioners at R600.

1 Personal Assistantship to Director of Land Records.*

1 Clerk of Court to Financial Commissioners.*

1 Mir Munshiship*.

2. Promotions from the 7th Grade of Extra Assistant Commissioner up to that of the 5th Grade will ordinarily be made by seniority, but promotions from the 5th Grade to the 4th Grades of Extra Judicial Assistant Commissioners and Extra Assistant Commissioners will only be made by seniority qualified by selection on account of efficiency, and mere seniority will not be considered as giving any claim.

RULES FOR THE APPOINTMENT OF MEMBERS OF THE PUNJAB PROVINCIAL CIVIL SERVICE.

General.

3. Three registers shall be kept in the office of the Chief Secretary to Government, *viz.*—

Register A—Containing the names of officials who, by approved service, are considered to have earned a claim to the appointment of Extra Assistant Commissioner, and of Barristers, Advocates, or Pleaders of the Chief Court of the Punjab who desire to be appointed, and who have for not less than three years practised the profession of the law in the Punjab, and who speak the Provincial vernacular.

Register B—Containing the names of approved candidates for admission by competitive examination for direct appointments.

Register C—Containing the names of candidates approved by the Lieutenant-Governor for direct appointments, for the requirements of Frontier Districts or for political reasons.

* *Pay regulated by special orders. The appointments of Personal Assistant to the Director of Land Records and Clerk of the Court to the Financial Commissioners will only be included in the Provincial Civil Service so long as they are filled by persons recruited from the grades of Extra Assistant Commissioner or other non-ministerial grades.*

4. Appointments in the Punjab Provincial Civil Service will ordinarily be filled by persons who are Natives of India as defined in Statute 33 Vict., chapter 3, section 6, or the subjects of Native Princes in alliance with Her Majesty. The name of an applicant who is not a Native of India as defined in Statute 33 Vict., chapter 3, section 6, or the subject of a Native Prince in alliance with Her Majesty, may, at the discretion of the Lieutenant-Governor, be entered in any of the above registers, but he shall not be *appointed* to the Punjab Provincial Civil Service except with the sanction of the Governor General in Council.

5. Register B will consist of persons not already in the service of Government or of persons in such service for less than ten years who may be specially recommended for entry; but any official on Register A may, with the permission of the Lieutenant-Governor, have his name transferred to Register B, and may, if he fails in the competition, and the Lieutenant-Governor so directs, be restored to Register A in such place as may be considered appropriate.

6. Subject to the provisions of Rule 4 every accepted candidate or successful competitor will be eligible for appointment as an Officiating Extra Assistant Commissioner, in any district in the Province, as long as his name remains on the register.

7. When the total strength of the Punjab Commission, including officers on leave, falls short of *166*, the number of Officiating Extra Assistant Commissioners may be increased *pari passu*. Officiating appointments may also be made in temporary vacancies due to (*a*) members of the Provincial Civil Service being appointed to officiate in open appointments under Punjab Government Notification No. 84, dated 21st January 1893, or as Extra Judicial Assistants, or in any ungraded posts (other than open appointments) which are open to the Provincial Civil Service; (*b*) Extra Assistant Commissioners going on leave; and (*c*) Extra Assistant Commissioners being placed on special duty.

8. Every Officiating Extra Assistant Commissioner who has not already passed or been specially exempted from passing the Departmental Examination prescribed for Assistant and Extra Assistant Commissioners, is required to pass that examination by the Higher Standard in all subjects within two years of the date of his being first appointed to officiate as an Extra Assistant Commissioner.

9. All Officiating Extra Assistant Commissioners are on probation, and an officer failing to pass within the period mentioned in Rule 8 will, unless there be special reasons to account for his failure, be removed from his officiating appointment.

10. No officiating officer not exempted under Rule 8 will be confirmed as an Extra Assistant Commissioner until he has completed his examination by the Higher Standard.

11. Subject to the provisions of Rule 9, no member of the Provincial Civil Service shall be dismissed otherwise than on the result of a judicial or formal departmental inquiry.

Nomination to Register A.

12. The maximum number of candidates who will at any one time be shown as accepted candidates in Register A shall be 40, of whom 10 will be nominated from the list of the Chief Court, 25 from the list of the Financial Commissioners, and 5 by the Lieutenant-Governor on the recommendation of Heads of other Departments.

13. Recommendations may be submitted by the Judges of the Chief Court and Financial Commissioners from time to time as may be convenient, and should be made in the Form A attached to these rules.

No candidate shall be recommended unless he has passed the Departmental Examination prescribed for Assistant and Extra Assistant Commissioners by the Higher Standard in all subjects, or been specially exempted from passing.

14. Except with the previous sanction of the Lieutenant-Governor, the recommendations of the Judges of the Chief Court will be limited to Barristers, Advocates, Munsifs, Pleaders of the Chief Court, and Clerks of Courts in Divisional Judges' Offices; and those of the Financial Commissioners to Tahsildars and Head Clerks of Divisional and District Offices.

No Barrister, Advocate or Pleader will be eligible for appointment unless he has been at least three years actually practising his profession in India and can speak the Provincial vernacular, and he must not be more than 30 years of age.

15. The Lieutenant-Governor will from time to time make selections to fill vacancies in the register.

16. The register will be revised periodically, and names will not be retained on it for an indefinite time.

17. If any authority who has recommended a candidate sees subsequent reason to modify or withdraw his recommendation, he is expected to communicate the fact to Government without delay.

Form A.

Nomination Roll of a Candidate for appointment by selection to the Office of Extra Assistant Commissioner.

1	2	3	4	5	6	7	8	9	10	11
							Reasons for recommendation given by			
District.	Name of candidate, age, with date of birth, native place, caste, parentage. (*Note if the candidate is descended from a family of bonâ fide agriculturists or not.*)	Where educated.	Whether and to what extent he knows English.	What examinations he has passed.	Present appointment, date from which he has held it, and an abstract of services.	Whether nominee enjoys a personal allowance.	Deputy Commissioner or District Judge.	Commissioner or Divisional Judge.	Financial Commissioner or Chief Court.	Remarks.

Notes.—(1) A separate recommendation must be submitted for each candidate.

(2) Authorities submitting nomination rolls should keep copies of them, as the originals will be filed for record in the Secretariat.

(3) In the case of a Native candidate it should be stated in column 4 whether his knowledge of English is sufficient for the charge of a Treasury.

(4) In the case of a candidate recommended by the Financial Commissioners it should be stated in column 10 whether the candidate is fit to exercise the powers of a Revenue Assistant of a district.

Qualifications necessary for nomination to Registers B and C.

18. The qualifications which are indispensable for nomination to Registers B and C for persons other than officials on Register A whose names may be transferred to Register B under Rule 5, are the following:—

(*a*) The applicant must be a Native of India as defined in Statute 33 Vict., cap. 3, section 6, or a subject of a Native Prince in alliance with Her Majesty: he must be domiciled in the Punjab or a Native State under the political control of the Punjab Government, and must have recently resided for not less than three years in the Punjab or such Native State; or he may be a European British subject who has resided for not less than three years in the Punjab.

(*b*) He must not be under 20 or over 25 years of age last birthday, but if he has been in the service of Government for two years or more, the maximum limit of age may be extended to 27 years last birthday.

(*c*) He must give satisfactory evidence that he possesses a minimum educational qualification equivalent to the Entrance Standard of the Punjab University.

(*d*) He must furnish the certificate of physical fitness prescribed by Articles 60 and 61 of the Civil Service Regulations.

(*e*) He must give satisfactory evidence of (i) good moral character; (ii) habits of personal activity; and (iii) gentlemanly bearing.

(*f*) If Urdu is not his vernacular, he must have passed the examination in that language by the Lower Standard, as laid down in the Army Regulations, India,

If it is his vernacular, he must give satisfactory evidence that he can read Urdu fluently and write the Persian character with facility.

19. In addition to the qualifications mentioned in Rule 18 the applicant must possess at least one of the following further qualifications, that is to say, he must be either—

(*a*) a member of a family of tried loyalty and distinguished service; or

(*b*) a person of good social status and influence in the country; or

(*c*) a person of superior educational attainments, such as a graduate of an Indian University; or

(*d*) a person who has been in the service of Government for less than ten years and has shown promise of exceptional ability and fitness for high office.

Explanations—*Clause* (*a*).—The mere fact that a man's father or other relation has served with credit as an official does not give a claim under this clause. Such claim arises only by reason of really distinguished services or some conspicuous act of loyalty performed by the father or grandfather or other very near relative.

Clause (*b*).—A claim under this clause does not arise from mere respectability of status or influence such as that which a member of a Municipal Committee may have in his town, but from high social status such as that of a member of a family having an unofficial seat in Darbar or territorial influence or influence due to great wealth.

Clause (*c*).—A *B.A.* or equal degree at least is essential, and as a rule only those who stood high in the B. A. list will be selected if the possession of that degree is the only special qualification of the candidate under this rule.

Nomination to Register B.

20. Recommendations may be submitted by the Judges of the Chief Court and the Financial Commissioners from time to time as may be convenient, and should be made in the Form B attached to these rules.

Subject to such inquiries as may be deemed necessary with reference to Rule 19, the Lieutenant-Governor will be glad to receive recommendations in the Form B (omitting columns 9, 10 and 11) from the Senate of the Punjab University.

21. The number of names to be borne on the register will not for the present exceed fifty at any one time.

22. Every candidate whose name is admitted to the register will receive a certificate in the Form C attached to these rules. The certificate will be forwarded through the authority by whom the candidate was recommended.

23. Recommendations on behalf of candidates not accepted may be again submitted in future years if not finally rejected by the Lieutenant-Governor, and if the candidate continues to be admissible under these rules.

24. The Lieutenant-Governor may, for reasons which appear to him sufficient, direct the removal of any name from Register B.

Appointments offered for competition.

25. An estimate of the number of appointments expected to become available for awards by competition will be published in the *Punjab Government Gazette* during the months of August and September in each year.

The number will not exceed one-fourth of the number of appointments estimated to be available during the year for candidates both on Registers A and B, after deducting any appointments which the Lieutenant-Governor may intend to make under the power reserved to him to nominate candidates from Register C.

As many of these appointments as are actually available will, as vacancies occur, be conferred upon successful candidates.

If the actual number of vacancies in the course of the year following the competition fall short of the estimated number notified for competition, the successful candidates for the notified number of vacancies who have not been provided with appointments will be appointed, without further examination, during the succeeding year, before candidates who are successful at the competition held in the latter year; and the estimate of available vacancies for that year will be correspondingly reduced.

Appointments to vacancies will be made from among successful candidates in the order of merit in which they pass.

26. The name of every candidate who fails to gain an appointment at—

(*a*) three competitive examinations; or

(*b*) the first examination held after he attains the age of 25 years, or of 27 years if he has been in the service of Government for two years or more,

shall be removed from the register.

NOTE.—Clause (*b*) of this rule does not apply to officials whose names have been transferred from Register A to Register B under Rule 5.

27. If a sufficient number of candidates to fill the vacancies notified in any year do not appear at or pass the examination, the appointments remaining unfilled will be held available for deserving officials on Register A, or for direct appointments from Register C.

28. A successful candidate who has not served in a Settlement or as a Tahsildar will after appointment be required to serve for twelve months in a Settlement and will ordinarily be allowed during that period a salary of R100 per mensem.

29. A successful candidate will be first appointed to an officiating vacancy as a probationer, and previous to his confirmation in a permanent vacancy a report will be called for regarding his fitness from the Commissioner and Deputy Commissioner under whose control he has served. He must also pass the Departmental Examination as prescribed in Rule 8.

The Competitive Examination.

30. A competitive examination will be held annually at Lahore, about the middle of October, commencing on such date as may from time to time be notified in the Gazette.

31. Any candidate admitted to Register B may, subject to the provisions of Rule 26, present himself at any competitive examination held under these rules; provided that he has on or before the 1st October signified in writing to the Commissioner of the Division in which he resides his intention to do so.

32. A fee of R30 shall be paid by every candidate before admission to examination. A like fee shall be paid on each occasion on which a candidate is admitted to examination. The fee may be paid into any Government Treasury.

33. Every candidate shall produce his certificate of admission to Register B, and the Treasury receipt for the fee, on the first day of the examination, and before the first paper is given out. The officer superintending the examination will retain the Treasury receipt for the admission fee, but will return the certificate after noting on it the examination to which admission has been made.

34. The examination papers shall be set, marks awarded, and the results announced by the following Committee of Examiners :—

An officer selected from the Educational Department;

The Registrar, Chief Court;

One of the Secretaries to the Financial Commissioners; and

Such other officers as may be nominated Examiners by the President, who will be selected by the Local Government.

An officer will be appointed (on special duty) Secretary to the Committee of Examination An Extra Assistant Commissioner, possessing a competent knowledge of English, will be deputed to assist the Secretary of the Committee. The Secretary of the Committee and Extra Assistant Commissioner so deputed shall conduct the examination and all correspondence connected therewith, and shall act generally under the orders of the President of the Committee.

35. The Lieutenant-Governor will from time to time declare what subjects shall be fixed and what shall be optional. For the present there shall be three fixed and three optional subjects. Every candidate must take up all the fixed subjects and may take up not more than two of the optional subjects.

The fixed subjects shall for the present be (1) Composition, (2) Indian Law and Revenue, and (3) Mathematics. The optional subjects shall be—

(1) Elementary Principles of British Government; (2) History; and (3) a Classical Language.

The details of fixed and optional subjects are given in Table D, and may from time to time be varied by order of the Lieutenant-Governor.

36. A candidate who fails to obtain one-half of the maximum number of marks in each of the three fixed subjects shall be deemed to have failed.

Unless one-half of the maximum number of marks is obtained in any optional subject taken up by a candidate, his marks for that subject shall not be counted in the examination.

37. The candidates who qualify shall be arranged in order of merit, according to the aggregate number of marks obtained by them, respectively, in all subjects taken up under Rule 35 in which they have qualified.

38. The subjects of competitive examination are the same for all candidates and the questions may be answered either in English or Vernacular.

FORM B.

Nomination Roll of a Candidate for the Competitive Examination for the Office of Extra Assistant Commissioner.

1	2	3	4	5	6	7	8	9	10	11	12
								OPINION OF			
DISTRICT.	Name, age, with date of birth, caste and sect, place of birth.	Parentage and domicile of parents. (*Note if candidate is descended from a family of bonâ fide agriculturists or not.*)	Services, social status, or influence of candidate or his family.	Where educated, examinations passed or degrees obtained. (*Note the exact position in examinations passed and the year of examination and the subjects in which the candidate is best qualified.*)	Extent of knowledge of English possessed.	Present appointment or occupation.	Abstract of certificates of recommendation accompanying the application.	Deputy Commissioner.	Commissioner.	Chief Court or Financial Commissioner.	Remarks with special reference to preference under Rule 19.

Notes.—(1) The same form, omitting columns 9, 10 and 11, may be used by the Senate of the University.

(2) A separate recommendation must be submitted for each candidate.

(3) Authorities submitting nomination rolls should keep copies of them, as the originals will be filed for record in the Secretariat.

Form C.

This is to certify that ____ has been accepted as a candidate for admission to the Competitive Examination for the appointment of Extra Assistant Commissioner in the Punjab; and that he is entitled to appear at any examination (not exceeding three in all) held under Punjab Government Notification No. , dated the , up to and including the examination in October 18 .

Chief Secretary to Government, Punjab.

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1. This candidate was admitted to the examination which commenced on 18 .

Secretary to the Committee of Examination.

2. This candidate was admitted to the examination which commenced on 18 .

Secretary to the Committee of Examination.

3. This candidate was admitted to the examination which commenced on 18 .

Secretary to the Committee of Examination.

TABLE D.

Details of Fixed and Optional Subjects of Examination.

No.	Subject.	Paper, day and time.	Subjects and Marks.		
	FIXED SUBJECTS.		*Maximum Marks.*		
I	COMPOSITION	PAPER (1). *First day. Time 3 hours.*	Writing an original essay on a subject prescribed at the time of examination	100	
		PAPER (2). *First day. Time 3 hours.*	Writing an analysis or précis of an official document or file of papers	50	150
II	INDIAN LAW AND REVENUE.	PAPER (3). *Second day. Time 3 hours.*	Outlines of the system of Revenue Administration in the Punjab	75	
		PAPER (4). *Second day. Time 3 hours.*	The Indian Penal Code; the Indian Contract Act; and the Indian Evidence Act	75	150
III	MATHEMATICS	PAPER (5). *Third day. Time 3 hours.*	The whole of Arithmetic	100	
		PAPER (6). *Third day. Time 3 hours.*	(*a*) Algebra to simple Equations, including Ratio and Proportion	50	
			(*b*) The first three books of Euclid	50	200
	OPTIONAL SUBJECTS.				
IV	ELEMENTARY PRINCIPLES OF BRITISH GOVERNMENT.	PAPER (7). *Fourth day. Time 3 hours*	Outlines of General Jurisprudence	75	
		PAPER (8). *Fourth day. Time 3 hours.*	Outlines of the Constitution of the Government of England and India	75	150
V	HISTORY	PAPER (9). *Fifth day. Time 3 hours.*	The History of India	75	
		PAPER (10). *Fifth day. Time 3 hours.*	The History of England	75	150
VI	A CLASSICAL LANGUAGE, *viz.*:— Arabic or Sanskrit.	PAPER (11). *Sixth day. Time 3 hours.*	Grammar and Explanation	50	
		PAPER (12). *Sixth day. Time 3 hours.*	An easy essay in the language	50	100

MEMORANDUM.—No special text-books are prescribed, but questions will not be put from books which are not available in the vernacular languages. The following list of books and references will indicate the standard to be required and the nature of the test in each subject:—

Subject II, Paper (3).—Barkley's Directions for Settlement Officers and Collectors of Land Revenue;* Powell's Manual of the Land Revenue Systems of India, pages 395 to 428 (first edition); the Punjab Land Revenue and Tenancy Acts, XVI and XVII of 1887.

Paper (4).—The Indian Penal Code and amending Acts; the Indian Contract Act; and the Indian Evidence Act.

Subject III, Papers (5) and (6).—Todhunter's School Series in English; or the Vernacular text-books in Arithmetic, Algebra and Euclid prescribed by the Punjab Educational Department.

* No questions will be set from this book which will clash with the Land Revenue and Tenancy Acts of 1887.

Subject IV, Paper (7).—As in Mr. E. W. Parker's Manual "Outlines of Jurisprudence," revised by Mr. P. Morton, Barrister-at-Law.

Paper (8).—As in Mr. E. W. Parker's Manual "Constitution and Powers of the Government of India," revised by Mr. P. Marton, Barrister-at-Law.

Subject V, Papers (9) and (10).—The outlines of the History of England and India as in Collier's History of the British Empire (*Tárikh-i-Saltanat Englishia*), and Lethbridge's Easy Introduction to the History of India.

Subject VI, Papers (11) and (12).—Entrance (Arts) Standard, Punjab University.

Nomination to Register C.

39. The names of not more than ten candidates will be borne at any one time on Register C, and nominations will be made from them by the Lieutenant-Governor to provide for the requirements of Frontier Districts or for political reasons.

No. 48. From the Secretary to the Chief Commissioner of Assam, to the Secretary to the Government of India, Home Department,—No. 11193-G., dated the 10th December 1892.

With reference to paragraph 3 of Mr. Melitus' letter No. 2109, dated 24th October 1892, I am directed to forward, for the information of the Government of India, a copy of the rules regarding the system of recruitment for the Provincial and Subordinate Services in Assam, as finally revised and issued by the Chief Commissioner.

The 18th November 1892.

No. 10610-G.*—The following Rules for the admission of candidates for appointments in the Provincial and Subordinate Services in Assam are published in supersession of all previous rules on the same subject :

1. There are two classes of appointments in the Subordinate Service of Assam, *viz.*, (1) Tahsildars; and (2) Sub-Deputy Collectors. The Provincial Service will consist of Extra Assistant Commissioners only.

2. The list of Tahsildars will be ungraded, the pay of each officer being fixed with reference to the importance of, and degree of responsibility that attaches to, each charge.

3. The list of Sub-Deputy Collectors will be a graded list as follows, the number in each grade being from time to time determined by the Chief Commissioner :—

Grade.	Pay per mensem.
	R
First grade	200
Second "	175
Third "	150
Fourth "	125
Fifth "	100

4. The number of Extra Assistant Commissioners sanctioned by the Government of India for district work is 29, with power given to the Chief Commissioner to make acting appointments in the lowest grade in place of officers temporarily removed from district work, and employed exclusively in settlement work or on special duty. The number of substantive appointments in each grade is fixed as follows :—

Grade.	No.	Pay per mensem.
		R
First grade	2	600
Second "	2	500
Third "	10	400
Fourth "	7	300
Fifth "	5	250

Persons, not already in Government employ, who may be appointed to act in the fifth grade will ordinarily draw a minimum salary of R200 a month.

* As amended by Notification No. 5882-G., dated the 15th June 1893.

(*a*) *Tahsildars.*

5. All appointments to the post of Tahsildar in the Assam Valley will be made by the Chief Commissioner on the nomination of the Commissioner, and in the Surma Valley and Hill Districts on the nomination of the Deputy Commissioner. In dealing with applications for such appointments, preference will be given to applicants already in Government employ who have rendered approved service, and, *cæteris paribus*, to natives of Assam.

6. Any native of India, as defined in section 6 of the Statute 33 Victoria, chapter III, may be nominated for the post of Tahsildar, who can produce approved certificates of good character and physical fitness for active work, and who has passed the Middle English or Middle Vernacular School Examination in Assam, or any examination in India equivalent thereto, and who, unless he is already in Government service, is not over 25 years of age.

Provided that the subjects of Native States in alliance with Her Majesty the Queen, Empress of India, shall also, if qualified in other respects, be eligible for appointments to Tahsildarships.

7. All persons appointed to the office of Tahsildar will be on probation for two years, during which they must, unless specially exempted by order of the Chief Commissioner, pass an examination by the Lower Standard in the following subjects, as laid down in the Departmental Examination Rules:

(1) Civil Law.

(2) Criminal Codes.

(3) All questions relating to Revenue subjects in the General Law paper without books.

In addition to passing in the above subjects, all such persons are liable to be called upon to pass within the period of probation an examination by the Higher Standard in the Vernacular language of the district in which they are employed if the Chief Commissioner should consider this necessary.

They must also, within the same period obtain, a certificate of knowledge of practical surveying from the Director, Department of Land Records and Agriculture, or from such other officer as the Chief Commissioner may from time to time appoint on this behalf. On failure to pass the said examination, or to obtain the said certificate, they are liable to forfeit their appointments.

(*b*) *Sub-Deputy Collectors.*

8. All persons who are applicants for the appointment of Sub-Deputy Collector must first apply for admission to the roll of competitive candidates for such appointments. All such applications shall, as a rule, be made through the Deputy Commissioner of the district to which the applicant belongs, or in which he is serving or living at the time. If the applicant does not reside in Assam, he should forward his application through the Magistrate of the district in which he resides.

9. All applicants for the appointment of Sub-Deputy Collector must be natives of India, as defined in section 6 of the Statute 33 Victoria, chapter III. Provided that the subjects of Native States in alliance with Her Majesty the Queen, Empress of India, shall also, if qualified in other respects, be eligible for appointment to Sub-Deputy Collectorships.

10. Every applicant for the appointment of Sub-Deputy Collector will be required to produce the following certificates:—

(*a*) That he is in sound health and capable of bearing fatigue and exposure. This certificate must be signed either by the Civil Surgeon of the district in which the candidate resides, or, if he resides in Calcutta, by the Resident Physician or Resident Surgeon of the Calcutta Medical College Hospital.

(*b*) That he is of good moral character.

(*c*) That he belongs to a respectable family.

(*d*) That he is a good rider. This certificate must be signed by a District Officer either in Bengal or Assam.

11. It will be in the discretion of the Deputy Commissioner to forward (in the Assam Valley Districts) to the Commissioner, or (in the Surma Valley and Hill Districts) to the Secretary to the Chief Commissioner, any application, preferred to him under Rule 8. If the

Deputy Commissioner refuse the application the applicant may (in the Assam Valley Districts) represent the matter to the Commissioner, or (in the Surma Valley and Hill Districts) to the Chief Commissioner, whose decision shall be final.

12. If an application under Rule 8 is forwarded by the Deputy Commissioner, a nomination roll in Form A annexed to these rules shall be submitted. The Deputy Commissioner shall also record a distinct opinion regarding the applicant's qualifications for office.

13. The Commissioner, Assam Valley Districts, and Heads of Departments may, without any recommendation from the Deputy Commissioner, send to the Secretary to the Chief Commissioner nominations of applicants for the appointment of Sub-Deputy Collector already in Government employ, and who have served directly under their orders, or in respect to whose qualifications they may have had special opportunities of forming an opinion. All such nominations should be accompanied by the certificates and nomination roll required by Rules 10 and 12.

14. No applicant for the appointment of Sub-Deputy Collector shall ordinarily be nominated who is under 22 or over 25 years of age, unless he is already in the Public Service, or is a licensed Pleader and is not over 30 years of age.

15. No person shall be nominated as a candidate for the appointment of Sub-Deputy Collector who has not passed an Indian University Examination, or other examination equivalent thereto.

Persons who have served Government for six years and have held for not less than two years a responsible permanent appointment above that of copyist with a salary of not less than R50 per mensem in one of the Civil Departments of the Government service are exempted from the operation of this rule.

16. In nominating applicants for the appointment of Sub-Deputy Collector special weight should be given to the following points:

Good character.

Education and knowledge of English.

Previous good service, if any.

Constitution and physical fitness for active work, and ability to ride.

17. If the Chief Commissioner approves a nomination for the post of Sub-Deputy Collector, the applicant's name will be entered in the roll of competitive candidates, and two copies of the entry will be forwarded to the Commissioner, Deputy Commissioner, or Head of Department who made the nomination: one to be filed in the office and the other to be given to the candidate.

18. In the following rules "Candidate" means an applicant for appointment as Sub-Deputy Collector whose name has been entered in the roll of competitive candidates under Rule 17.

"Selected candidate" means a candidate who has been successful in the examination, as provided by these rules, or who has been declared to be a selected candidate by the Chief Commissioner under Rule 25.

19. An examination of candidates for the appointment of Sub-Deputy Collector will be held at Gauhati and Sylhet on such dates as may from time to time be notified in the *Assam Gazette*. Such notification shall be three months in advance of the examination, and shall specify the number of vacant appointments which are open for competition. The Examination Committee will consist of the officers who form the Committee for the departmental examination of Assistant and Extra Assistant Commissioners.

The subjects of examination will be the following :—

I. Vernacular of the Province (Assamese or Bengali at the option of the candidate)—

Reading, handwriting, composition and conversation . . 200 marks.

The examination will include—

(1) Translation into English of proceedings, petitions, reports, etc., written in manuscript.

(2) Translation from English into the vernacular selected.

II. English—

Reading, handwriting, composition, conversation, and dictation 200 marks.

The examination will be so arranged as to test a candidate's ability to write correct and idiomatic English, and will include précis-writing and letter-drafting. In awarding marks great weight will be attached to good and legible handwriting.

III. Arithmetic, Mensuration, and Theoretical surveying . . 100 marks.

The standard in these subjects will be—

(1) Rule of Three.

(2) Greatest Common Measure.

(3) Least Common Multiple.

(4) Vulgar Fractions as far as is necessary as a preparation for decimal fractions.

(5) Decimals (omitting repeating decimals).

(6) Tables of English Land Measurement.

(7) Reduction from *bighas*, *kathas*, and *lessas*, to acres and decimals, and *vice versâ.*

(8) Construction of Diagonal Scales.

(9) Calculation of Areas of Polygons.

(10) Use of the Talc Square or Area Comb.

20. A candidate who proposes to appear for examination must submit his name through the Deputy Commissioner of the district in which he is serving or permanently residing, or through the Head of his Department, to the Secretary to the Chief Commissioner in the General Department not later than one month before the date fixed for the examination.

A candidate may compete at one or both of the two examinations immediately succeeding the date of his admission to the roll of candidates, and no more.

21. The aggregate number of the marks obtained by a candidate at the examination will, except as provided in Rule 25, determine his position on the list of selected candidates. Candidates who fail to obtain half marks in each subject of examination will be disqualified.

22. Instead of entering for the above examination, a candidate who has passsd the F. A. Examination of the Calcutta University, or an examination equivalent thereto, may apply to the Director, Department of Land Records and Agriculture, the Commissioner, or the Secretary to the Chief Commissioner, to be taken as a probationer in his office.

23. One such probationer may be annually taken by each of the above officers with the previous consent of the Chief Commissioner.

24. The probationer will receive pay not exceeding R75 a month, as the Chief Commissioner may determine in each case, and will be under the orders of the head of the office to which he may be appointed. The period of probation will ordinarily be one year.

25. At the end of the period of probation, the head of the office will submit a confidential report to the Chief Commissioner regarding the probationer, and the Chief Commissioner will decide whether the probationer is to be recorded as a selected candidate or not, and, if so recorded, will determine his place on the list of selected candidates. It must, however, be distinctly understood that no probationer will be regarded as having any claim to an appointment merely by reason of his having been favourably reported on at the end of his term of probation.

26. The Chief Commissioner may extend the period of probation as he thinks fit.

27. Ordinarily the selected candidate highest on the list of selected candidates will be appointed to a vacancy in the office of Sub-Deputy Collector. If such vacancy be temporary only and the selected candidate has to vacate the appointment, his name will be retained in its original place on the list.

28. The Chief Commissioner reserves to himself the right of appointing to the office of Sub-Deputy Collector any selected candidate, irrespective of his position on the list, or the date when he passed the examination prescribed in Rule 19, or any person other than a selected candidate, should the exigencies of the Public Service render such a course necessary. In selecting officers for the appointment of Sub-Deputy Collector, preference will be given, *cæteris paribus*, to natives of Assam.

29. All persons appointed to the office of Sub-Deputy Collector will be on probation for two years, during which they must pass an examination in the subjects and obtain the certificate prescribed for Tahsildars in Rule 7, failing which they will be liable to forfeit their appointments.

30. Sub-Deputy Collectors will, after being confirmed in their appointments, be promoted as vacancies occur, according to seniority, subject to fitness and approved conduct, but the Chief Commissioner reserves to himself the power to promote any particular officer out of turn without reference to seniority in cases of exceptional merit.

(c) *Extra Assistant Commissioners.*

31. Applications for the appointment of Extra Assistant Commissioner from persons who are residents of Assam may be made direct to the Secretary to the Chief Commissioner, but must be accompanied by the certificates referred to in Rule 10, unless the applicant holds the appointment of Sub-Deputy Collector and has already submitted such certificates before receiving such appointment.

32. Every application for the appointment of Extra Assistant Commissioner should give the particulars required to be entered in columns 3 to 22 of Form A annexed to these rules, and if the applicant is not a resident of Assam, should give references which will enable the Chief Commissioner to ascertain by inquiry his qualifications for the office of Extra Assistant Commissioner.

33. Sub-Deputy Collectors who have been confirmed and who have passed under the Departmental Examination Rules by the Lower Standard in Accounts and by the Higher Standard in the vernacular of the district are eligible for promotion to the rank of Extra Assistant Commissioner, but are not entitled, as a matter of course, to such promotion. In making such promotions preference will be given to officers who have taken an Indian University degree, or who have rendered exceptionally good service.

34. Selections for the appointment of Extra Assistant Commissioner will ordinarily be made from amongst the following classes of persons :—

(*a*) Sub-Deputy Collectors eligible under Rule 33.

(*b*) Graduates of an Indian University or persons who have passed an examination equivalent to that for an Indian University degree.

Provided that candidates for admission under class (*b*) must not be over 25 years of age, unless they are Barristers, Advocates, or Pleaders, in which case their age must not exceed 30 years.

Provided also that no candidate for admission under class (*b*) shall be eligible who has not a thorough knowledge of one of the vernaculars of the province, including ability to read and write the written character with facility.

In making such appointments, the Chief Commissioner will give preference, *cæter is paribus*, to natives of Assam.

The subjects of Native States in alliance with Her Majesty the Queen, Empress of India, are eligible for appointment to Extra Assistant Commissionerships, provided that they are qualified in other respects.

35. Europeans who are not natives of India, if otherwise qualified, may be appointed to the office of Extra Assistant Commissioner with the previous sanction of the Government of India in each case.

36. First appointments to the office of Extra Assistant Commissioner will be on probation, and an Extra Assistant Commissioner will not ordinarily be confirmed until he has obtained the certificate prescribed in Rule 7 and until he has also passed under the Departmental Examination Rules by the Lower Standard in Law and Revenue and Accounts, and, unless specially exempted, by the Higher Standard in the vernacular of the district in which he is serving. First appointments will also ordinarily be in the fifth or lowest grade. The Chief Commissioner, however, reserves to himself the power in very special cases of making appointments to any grade in which there may be a vacancy.

37. An Extra Assistant Commissioner who fails to pass in the prescribed subjects or to obtain the necessary certificate within two years from the date of appointment will be liable to forfeit his appointment.

38. An Extra Assistant Commissioner will take rank in the grade to which he is appointed according to the date of his confirmation.

39. Extra Assistant Commissioners will, after being confirmed in their appointments, be promoted up to and inclusive of the third grade, as vacancies occur, according to seniority,

subject to fitness and approved conduct. Promotion to the first and second grades will be given according to merit, and not necessarily according to seniority.

40. An Extra Assistant Commissioner, of whatever grade, will not ordinarily be promoted to a higher grade, until he has passed under the Departmental Examination Rules by the Higher Standard in Law and Revenue, in Accounts, and in both languages.

41. No Extra Assistant Commissioner shall be dismissed from Government service otherwise than on the result of a judicial or formal departmental inquiry, if one is asked for.

FORM A.

Nomination Roll (Rule 12).

Date of nomination.	Name and designation of officer who nominates.	Name.	Father's name.	Date of brith, tribe, nationality, religion.	Native of what place and belonging to what family.	Where educated.	Examinations passed.	Acquainted with what languages and to what extent.	The several situations in which previously employed, Government, municipal, or private.	How employed now.	Relatives now in Government employment in Assam and their appointments.	Abstract of testimonials in consecutive order according to date.	Extract of description of character from service book, if already in Government employ.	Substance of medical certificate.	Examination for Government service either in Assam or Bengal at which he has appeared, and the result.	STATEMENT OF LANDED PROPERTY HELD IN ASSAM.						
																District in which held.	Nature of property and extent of interest held.	Whether held in his own name or in the name of another or by his wife.	Whether acquired by inheritance or purchase.	Name and place of residence of superior landlord, if any.	Annual value.	REMARKS.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23

From the HONOURABLE C. GALTON, I. C. S., Acting Chief Secretary to the Government of Madras, to the Secretary to the Government of India, Home Department,—No. 272, dated 6th April 1893. No. 49.

In communicating Home Department letter, dated 10th November 1892, No. 2194, to the Accountant General for the necessary action with reference to the mode of exhibiting Statutory Civilians and Provincial Service officers in the Civil List, that officer was requested to report what plan he would propose to ensure that the claims of officers of the Provincial Service to listed posts are not overlooked. It was explained that the instructions in clause (i) of paragraph (6) of the above letter provided, in this respect, for the case of Statutory Civilians, but as Provincial Service Officers would be shown in a list distinct from that of Indian Civilians, some notes in the latter seemed necessary as to the number of appointments open to the Provincial and Statutory Services combined after the claims of Indian Civilians of different years have been satisfied.

2. A copy of that officers reply * is annexed, and it will be seen that he considers that it will be necessary to consider the claims of one Provincial Service Officer or Statutory Civilian to a listed post, after those of each fifth Indian (Civilian) irrespective of the year of his appointment, counting from the last officer who arrived in 1881, have been considered or satisfied.

* Letter dated 19th January 1892, No. 102 (paragraph 1).

3. From the example given under the fourth condition in paragraph 2 of Home Department letter, dated 27th May 1892, No. 1535, it would, however, appear to be the intention of the Government of India that the *officers* of *each year are to be taken separately*, and that the appointment of members of the Provincial Service to listed posts is not to be delayed longer than the claims of Indian Civilians of each year, taken as they were admitted, demand.

4. The recruitment of Indian Civilians for this Presidency since 1880 is shown in the second column of the following statement, and if the correct interpretation of the orders of the Government of India is as stated in the preceding paragraph, the number of Provincial and Statutory Officers whose claims should be considered after those of Indian Civilians of each year have been satisfied, will apparently be as shown in column 3.

Year (of arrival.)	Recruitment in England.	Number of Provincial Service and Statutory Officers to be considered after claims of those in column 2 have been satisfied.
1882	3	1
1883	4	1
1884	6	1
1885	6	1
1886	7	1
1887	9	2
1888	5	1
1889	6	1
1890	8	2
1891	8	2
1892	6	1
TOTAL	68	14

5. As the question involves some doubt, and as it is absolutely necessary for the proper working of the Civil List that some such provision as that indicated in paragraph 1 *supra* should be made, I am directed to request the early orders of the Government of India on the point.

From the Accountant General, Madras, to the Acting Chief Secretary to the Government of Madras,—No. 102, dated the 19th January 1893.

With reference to paragraph 4 of Government Order, No. 877 Public, dated the 16th of December 1892, requesting me to report what plan I would propose to insure that the claims of officers of the Madras Provincial Civil Service to listed posts hitherto reserved for members of the Civil Service of India may not be overlooked, I have the honour to observe that under Government of India's letter, dated 8th August 1890, No. 1543, the claims of all Civilians who passed the competitive examination in or before 1879, must be satisfied before any Provincial officer can be appointed to a listed post. Accordingly, I would

suggest that after the name of Mr. M. D. Bell, the last such Civilian, a note should be made, or a reference letter inserted, to indicate that in making the next six promotions to appointments of the class of the listed posts, the claims of a Statutory Civilian or Provincial officer may be considered. When any such officer is appointed to a listed post, the note would be removed to below the name of the fifth officer junior to Mr. Bell. If none of the six vacancies are actually filled by the appointment of Statutory or Provincial officers, a note might be made after the name of the last officer promoted that the claims of a Statutory or Provincial officer might be considered in making the next appointment.

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No. 50 From C. J. LYALL, Esq., C.I.E., Secretary to the Government of India, to the Acting Chief Secretary to the Government of Madras,—No. 746, dated the 29th May 1893.

I am directed to reply to your No. 272, dated 6th April 1893, in which you make certain inquiries with reference to the mode of exhibiting in the Civil Lists the posts to be transferred from the Civil Service of India to the Provincial Civil Service.

2. The Government of India, for the reasons given at length below, do not approve the suggestion of the Accountant-General, Madras, that the claims of one Provincial Service Officer or Statutory Civilian to a listed post should be considered after those of each fifth Indian Civilian, irrespective of the year of his appointment, counting from the last officer who arrived in 1881, have been considered or satisfied.

3. The Government of Madras, I am to say, are correct in the view that it is the intention of the Government of India that the appointment of members of the Provincial Service to listed posts is not to be delayed longer than the claims of Indian Civilians recruited in each year after 1879-81 demand. But I am to explain that it was not intended in the fourth head of paragraph 2 of my letter No. 1535, dated the 27th May 1892, to decide that the number of posts available for transfer to the Provincial Service in any year after 1881 should be calculated on the recruitment of Indian Civilians for that year, *taken separately*. Such a calculation would either remove from the Indian Civil Service more than one-sixth or give to the Provincial Service less than one-sixth of the posts to which recruitment for each year had reference. What was intended was that one-sixth of the posts to be recruited for after 1879-81, taken together, should be available for the Provincial Service (including Statutory Civilians), the claims of the Indian Civilians of each year being satisfied before any of the available posts were actually made over to the Provincial Service.

4. In order to make this quite clear, it will be convenient to sum up briefly the history of the question. As the Governor in Council is aware, a reduction of one-sixth in the recruitment of Indian Civilians in England was commmenced in 1879, to make room for the appointment in India of Natives of India to reserved posts under the Statute 33, Vict., cap. 3, section 6. It will be in the recollection of His Excellency in Council that the Public Service Commission, in proposing the transfer of certain Scheduled posts to the Provincial Service, recommended that a reservation should be made in favour of Civilians recruited in or before 1870 (appointed to the Service in or before 1872), but that Civilians recruited after that year should not have any absolute claim to the transferred posts in preference to members of the Provincial Service. The Commission's recommendation was based on the ground that though Natives of India were not actually recruited in this country till 1879, and the reduction in the recruitment of the Indian Civil Service to make room for them was not actually effected till 1879, the Statute under which their appointment to reserved posts was permitted was passed in 1870. The Government of India and the Secretary of State, however, decided that the line should be drawn below the Civilians recruited in or before 1879-81 (*i.e.*, before the recruitment for the Civil Service had actually been reduced), who should be regarded as having an absolute claim over members of the Provincial Service to reserved posts (save in exceptional circumstances, such as those under which Mr. C. Rama Chandra Aiyar was appointed a District Judge), and the Civilians recruited after 1879-81 should have their claims to the posts listed as open to the Provincial Service considered to the extent of five-sixths of the total number of posts for which recruitment was or might have been made in each year. In other words the principle adopted was that the claims of Indian Civilians of any year after 1879-81 to the one-sixth of the reserved posts intended for transfer to the Provincial Service ceased to the extent to which recruitment for the Indian Civil Service had actually been reduced in the year in which they were recruited.

5. This, then, is the principle of the scheme. Its practical application, no doubt, involves a system which is somewhat complicated owing to various degrees of prior claims on the part of Indian Civilians, and also of Statutory Civilians appointed before the Provincial Service scheme was instituted. In the introduction of the new arrangements the Governor General in Council must necessarily leave a good deal to the discretion of Local Governments. The statement enclosed with this letter will, however, give the Madras Government a general idea of the time after which, and the extent to which, the claims of Indian Civilians in the Madras Presidency appointed after 1879-81 will cease to the one-sixth of the posts which has been removed from the scale of recruitment for the Indian Civil Service. Altogether fifteen reserved posts have been listed as open to the Madras Provincial Civil Service. A reference to the statement will show that all these fifteen posts may be permanently appropriated to the Provincial Service when the claims of the Civilians of 1896 (or possibly of 1897) have been exhausted. Six superior posts—*viz.*, two headships of districts and four District Judgeships—have been listed; the claims of Civilians recruited down to 1887 or 1888 must be exhausted before all these become available for members of the Provincial Service, save in cases of exceptional appointments, such as that held by Mr. Rama Chandra Aiyar.

6. It will be observed that the enclosed statement differs from that given in paragraph 4 of your letter. It has been thought convenient to show Statutory Civilians who elect to remain in their present position in a separate column, as their relative position for promotion as compared with Indian Civilians is governed by different considerations from those applicable to the case of Provincial Service men [*vide* paragraph 6 (1) of Home Department letter No. 2194, dated 10th November 1892 and the previous orders cited therein]. This, however, is merely a difference of detail.

7. The important differences are (1) that the one-sixth of the posts which will become available for transfer to the Provincial Service has been calculated on the recruitment after 1879-81, taken as a whole, fractions being carried down from year to year; and (2) that the rate at which the listed posts may be made over to the Provincial Service has been calculated not on the total number of Civilians recruited in each year, but on the number of actual or sanctioned posts to fill which they were recruited. The total strength of the Civil Service, as the Madras Government are aware, is made up of (1) officers to fill actual posts, (2) officers required as a reserve to fill leave-vacancies—27·39 per cent. on the number of actual posts, and (3) junior officers who are merely in training—10·58 per cent. on the number of actual posts. The excess under heads (2) and (3) amounts to nearly 38 per cent. calculated on the number of actual posts, and 27·5 per cent. on the total strength of the Service. The recruitment of Statutory Civilians was regulated with reference to the total recruitment of Indian Civilians because their body, like that of the Indian Civil Service, included the leave reserve and an allowance for officers in training. But in the case of Covenanted appointments thrown open to the Provincial Service no excess *of these appointments* is required either on account of men in training or of men to fill leave-vacancies, as, from the nature of the case, the members of that Service who will be appointed to such posts will already be experienced men who have emerged from the stage of training, and leave-vacancies will be filled by other members of the Provincial Service. Suppose, for instance, that after the two district headships and four Judgeships have been made over to the Provincial Service, all six officers holding these posts go on leave; the Local Government will be able to appoint six other members of the Provincial Service to act in their absence. Whatever excess of officers over actual posts is required as a leave and training reserve for the Covenanted appointments transferred to the Provincial Service, will be supplied by extra recruitment for the Provincial Service generally. The number of listed posts that will become available for the Provincial Service in each year should therefore, in the opinion of the Government of India, be calculated not on the total number of Indian Civilians annually recruited, but on the number of actual posts to fill which they were recruited,—*i. e.*, on the total recruitment *minus* the 25·7 per cent. ($\frac{38}{138}$ ths) representing the leave and training reserve.

8. I am to say, in conclusion, that the Government of India do not think it advisable to show in the Civil List the rate at which it is estimated that the listed posts will become permanently or temporarily available for the Provincial Service, as this would unnecessarily tie the hands of the Local Government in case any change of system or rearrangement of details were found desirable in the future. It is better that the particulars should merely be kept on record in the Secretariat and the Accounts office for the information and guidance of the Madras Government and the Accountant-General.

Statement referred to in paragraph 4 of the letter.

Year (of arrival).	(a) Number of Civilians recruited in England.	Number of actual posts, for which Civilians recruited, *i. e.*, column 2 *minus* 27·5 per cent., leave and training reserve.	Maximum number of appointments that become available to Provincial Service, *i. e.*, ⅕th of column 3.	Number of Statutories appointed according to the date of their confirmation and their names.		Whether to be transferred to the Provincial Service or not.	Number of existing Statutories who elect to remain in their present position and whose claims must be considered before posts can be transferred to Provincial Service.	Number of appointments that can be made from the Provincial Service (excluding Statutory Civilians shown in column 8, but including the ex-Statutories transferred to Provincial Service) to listed posts after the claims of Civilians in column 2 and of existing Statutories in column 7 have been satisfied.	REMARKS.
1	2	3	4	5	6	7	8	9	10
1882 . . .	3	2·175	·435	2	K. C. Manavedan Raja .	Elects to remain in present position.	......	......	
					Muhammad Raza Khan .	Elects to remain in present position.	2		
1883 . . .	4	2·9	·58	1	C. Venkata Jagga Rao .	Left the service . .	......	......	
1884 . . .	6	4·35	·87	1	Mir Shujaut Ali Khan .	Elects to remain in present position.	1	......	
1885 . . .	6	4·35	·87	...	......	......	......	......	
1886 . . .	7	5·075	1·015	2	P. Rama Chandra Rao .	To leave the service .	...	......	
					T. M. A. Swaminatha Aiyar	Elects to remain in present position.	1		
1887 . . .	9	6·525	1·305	2	C. Rama Chandra Aiyar (a District Judge).	To be transferred to the Provincial Service.	......	1	
					T. Varada Rao . .	Elects to remain in present position.	1	......	
1888 . . .	5	3·625	·725	...	......	......	......	......	
1889 . . .	6	4·35	·87	...	......	......	......	1	
1890 . . .	8	5·8	1·16	2	P. Raja Gopala Chari .	Elects to remain in present position.	1	......	
					R. R. Rama Chandra Rao*	Transferred to the Provincial Service.	......	1	* Appointed to the Statutory Service on the understanding that he would be included in the Provincial Service when created.
1891 . . .	8	5·8	1.16	...	......	......	......	......	
1892 . . .	6	4·35	·87	...	......	......	......	1	
	Estimated recruitment.								
1893 . . .	9	6·525	1·305	...	......	......	......	1	
1894 . . .	7	5·075	10·15	...	......	......	......	1	
1895 . . .	8 (b)	5·8	1·16	...	......	......	......	1	
1896 . . .	7 (b)	5·075	1·015	...	......	......	......	1 (or 2)	
TOTAL .	99	71·775	14·355	...	......	......	......	8 (or 9)	

(a) According to the figures given in page 4 of the Madras letter, No. 272, dated 6th April 1893.
(b) According to the estimate made in 1890, Home Department letter to Government of Madras, No. 42, dated 30th January 1893. Recruitment not yet definitely settled.

From P. G. MELITUS, Esq., Deputy Secretary to the Government of India, to the Chief Secretaries to the Government of Bombay, Bengal, the North Western Provinces and Oudh, and Punjab,—Nos. 18 Public / 833, dated the 17th June 1893. **No. 51.**

In continuation of this Department's letter No. 1536 / 1537 / 1538 / 1543, dated the 27th May 1892 / the 27th May 1892 / the 27th May 1892 / the 28th May 1892, on the subject of the constitution of the Provincial Civil Service in the Bombay Presidency / Bengal / the North-Western Provinces and Oudh / the Punjab, I am directed to forward, for the information of the Government of Bombay / Bengal / the North-Western Provinces and Oudh / the Punjab, a copy of correspondence marginally noted between the Government of India and the Government of Madras.

Letter from the Government of Madras, No. 272, dated 6th April 1893.
Letter to the Government of Madras, No. 746, dated the 29th May 1893.

2. I am to suggest that it would be convenient that a table, similar to that appended to my letter of the 29th ultimo to the address of the Government of Madras should be prepared on the principles indicated in that letter, showing the rate at which the listed posts will become available for transfer to the Provincial Civil Service in the Bombay Presidency / Bengal / the North-Western Provinces and Oudh / the Punjab.

3. The Government of India would be glad if a copy of the statement, when prepared, were forwarded for their information.

From H. J. S. COTTON, Esq., C.S.I., Chief Secretary to the Government of Bengal, to the Secretary to the Government of India, Home Department,—No. 3403A., dated the 25th July 1893. **No. 52.**

With reference to your letter No. 18 Pub. / 834, dated 17th June 1893, on the subject of the constitution of the Provincial Service in Bengal, I am directed to submit, for the information of the Government of India, a copy of the statement therein called for, showing the rate at which the posts enumerated in this Government Notification, dated 28th March 1893, will become available for transfer to the Provincial Service.

2. The statement is prepared from the year 1881, inclusive, that being the year in which the Senior Statutory Civilian, Mr. Nanda Krishna Bose, was confirmed in the Service. The first eight columns of the statement are prepared exactly on the model of the statement which is appended to your letter No. 746, dated 29th May 1893, to the Government of Madras. But the ninth column is prepared to show the annual number of appointments which under the Provincial Service scheme would normally have been allotted to the Provincial Service if no Statutory Civilians had been appointed. In making the calculations every fraction over ·500 is counted as a whole number in column 4, and a corresponding deduction is made from the succeeding entries. It will be seen from the figures given in column 9 that the full number of 20 listed posts should be filled up by the end of the year 1896, and that up to the end of the current year 1893 there should be 15 appointments available for transfer to the Provincial Service. As a fact, however, only 13 officers have already been so appointed, *viz.*, 10 Statutory Civilians who, although they have elected to remain in their present position, count for this purpose as members of the Provincial Service, and three Provincial Service officers, who have been transferred from the Statutory to the Provincial Service. It appears therefore that, according to the calculations which have been made by this Government, there are two vacancies now existing in the Provincial Service which should be filled up during the current year, that two more vacancies will fall in in 1894, one in 1895, and two in 1896, and that the Bengal Provincial Service will then be complete, and that no further transfers can be effected until vacancies in the 20 posts transferred may occur by deaths or retirements.

3. The 20 reserved posts which have been listed as open to the Bengal Provincial Service as follows:—

- 6 Judgeships.
- 4 Collectorships.
- 1 Junior Secretaryship to the Board.
- 1 Under Secretaryship to Government.
- 4 Joint-Magistracies. } To be converted into Deputy Magistrate and Collectorships.
- 4 Assistant Magistracies. }

There are at present, including 10 Statutory Civilians who have elected to remain in their present position, 13 officers who have been appointed to listed posts as follows :—

1 Judge.

11 Joint Magistrates (including two Statutories transferred to the Provincial Service, who are holding corresponding posts in the grades of Deputy Magistrate and Collector).

1 Probationary officer, *viz.*, Mr. Tahriruddin Ahmed, who will obtain an appointment corresponding to that of an Assistant Magistrate on Rs. 450 as soon as he passes his first departmental standard.

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13

The seven remaining posts will, with the approval of the Government of India, be filled up as indicated in the preceding paragraph; but it is contemplated to make appointments to the grade corresponding to that of Assistants only, and to leave the proportion of appointments in the sanctioned cadre to settle itself gradually by promotion and seniority. It is evident from the nature of the case that a considerable time must elapse before the full number of six Judgeships and four Collectorships can be permanently filled up, but as soon as that is done, the number of lower grade appointments will adjust itself to the sanctioned scale.

Statement showing the rate at which the listed posts will become available to the Provincial Civil Service.

YEAR.	Number of Civilians recruited in England (a).	Number of actual posts for which Civilians recruited, *i. e.*, column 2, *minus* 27·5 per cent., leave and training reserve.	Maximum number of appointments that become available to the Provincial Service, *i.e.*, ⅕th of column 3.	Number of statutories appointed according to the date of their confirmation and their names.		Whether to be transferred to the Provincial Service or not.	Number of existing statutories who elect to remain in their present position, and whose claims must be considered before posts can be transferred to Provincial Service.	Annual number of appointments, which under the Provincial Service scheme, would normally be allotted to the Provincial Service, if no Statutory Civilians had been appointed.	REMARKS.
1	2	3	4	5	6	7	8	9	10
1881	4	2·9	·58	1	Nund Krishna Bose.	Elects to remain in present position.	1	1	
1882	6	4·350	·87	1	Kumar Gopendro Krishna Deb.	Ditto ditto.	1	...	
1883	7	5·075	1·015	...	......	......	...	1	
1884	8	5·8	1·16	...	......	......	...	2	
1885	9	6·525	1·305	1	Ashutosh Gupta.	Dead.	...	1	
1886	9	6·525	1·305	3	Kumar Girindra Narayan Deb. Ambica Churn Sen. Syud Nurul Huda.	Elects to remain in present position. Ditto ditto. Ditto ditto.	3	1	
1887	9	6·525	1·305	4	Suriya Kumar Agasti Ahsanuddin Ahmed Brojendro Kumar Seal. Nilkanta Sarcar.	Ditto ditto. Dtt to ditte. Ditto ditto. Dead.	3	3	
1888	9	6·525	1·305	3	Baroda Churn Mitra Umesh Chunder Batabyal. Kedar Nath Roy.	Elects to remain in present position. Transferred to the Provincial Service. Elects to remain in present position.	2	1	
1889	8	5·8	1·16	...	......	......	...	1	
1890	9	6·525	1·305	2	Tahriruddin Ahmed* Rai Nund Kishore Das, Bahadur*.	Transferred to the Provincial Service. Ditto ditto.	... ...	1 1	* Appointed to the Statutory Service on the understanding that they would be included in the Provincial Service when created.
1891	8	5·8	1·16	...	......	......	...	1	
1892	7	6·075	1·015	...	......	......	...	1	
	Estimated recruitment								
1893	11	7·975	1·595	...	......	......	...	2	
1894	11	7·975	1·595	...	......	......	...	2	
1895	11	7·975	1·595	...	......	......	...	1	
1896	11	7·975	1·595	...	......	......	...	2	
TOTAL	137	99·325	19·865	...			10	20	

(a) Excluding officers appointed to Assam.

No. 53. From C. J. LYALL, Esq., C.S.I., C.I.E., Secretary to the Government of India, to the Chief Secretary to the Government of Bengal,—No. 1700, dated the 8th November 1893.

I am directed to acknowledge the receipt of your letter No. 3403-A., dated the 25th July last, submitting a statement showing the rate at which the listed appointments in Covenanted

posts in Bengal will, in the course of the next few years, become available for the Provincial Service. The statement shows two posts available for transfer in 1893, two more in 1894, one in 1895, and two in 1896; and the approval of the Government of India is asked to these seven posts being filled by making appointments to the grades in the Provincial Service corresponding to those of Assistants, the proportion of appointments in the sanctioned Provincial *cadre* of twenty being left to settle itself gradually by promotion and seniority.

2. In reply I am to say that the posts shown against the year 1893 are not yet really available (and those against 1894 to 1896 will not be available in the years against which they are shown) to the Provincial Service for two reasons. The first is that the proportion shown in column 4 against the Civilian entries in column 3 represents the share of *cadre* posts which will be filled by the Provincial Service when the Civilians recruited in the years mentioned have passed out of the stage of training, which is taken at two years. The Civilians who come out in these years will not for that time be holding *cadre* posts, but will be in the Civil Service reserve. The Provincial reserve is the whole body of the Provincial Service, including Deputy Collectors and Magistrates and the Subordinate Judicial Service. The second is that the Provincial or listed *cadre* contains only eight posts corresponding to Joint or Assistant Magistrate, and these posts are still substantively filled by Statutory or Provincial officers; until they are vacated no new appointments can be made in their place.

3. It is open to His Honour the Lieutenant-Governor to increase the staff of the Provincial Service, if necessary, to supply the place of the Statutory and Provincial officers (of whom there appear from the Civil List of the 1st October to be at present ten,—*viz.*, seven acting as Magistrates and Collectors, and one permanent and two acting as Judges) employed, permanently or temporarily, in the ten superior listed posts; but until the eight officers who now hold permanently the eight Provincial posts of Joint and Assistant Magistrate are out of the way, these additions can only be made to the lowest grade on Rs. 250 a month. There is no *selection* for listed posts inferior to the ten superior and two Secretariat posts entered in the list. The eight posts of Deputy Collectors and Magistrates which correspond to the transferred Assistantships and Jointships are merged in the general body of such officers; though it is of course always possible for the Lieutenant-Governor to advance any specially promising or meritorious officer in the general Provincial list of Deputy Magistrates and Collectors in the manner indicated in paragraph 7 of my letter No. 1201, dated the 28th August 1893, with a view to his being ultimately appointed to a listed post.

4. I am to observe that your statement shows against the years 1881 to 1885 five (4·93) posts in column 4 which might have been held by Provincial officers, while only two are actually so held. Three officers were appointed, but one is now dead. Had the Statutories who now rank next after the Civilians holding the posts allotted to these years elected to join the Provincial Service, they might have been advanced to the vacant posts in these years if His Honour deemed fit to appoint them. By electing to retain their position as Statutory Civilians they are restricted to such promotion as will fall to them when the claims of the Civilians of the years against which their names are shown have been exhausted. It would be open to His Honour—should he think it expedient—to nominate any thoroughly capable Provincial officers to fill the three vacancies allotted to those years irrespective of seniority, inasmuch as the claims of the Indian Civilians of the years in question hold good only to the posts shown in column 3 of the statement. Such a nomination would be an effective demonstration of the advantages of joining the Provincial Service. It is, however, possible, considering that ten officers of the Statutory Service have already been deemed fit for advancement, either permanently or temporarily, to the ten superior posts listed, that Sir A. MacDonnell may think it inexpedient to disappoint the expectations of these officers by bringing in others over their heads.

From H. J. S. COTTON, Esq., C.S.I., Chief Secretary to the Government of Bengal, to the Secretary to the Government of India,—No. 1700 A., dated the 18th March 1895. No. 54.

It was observed in paragraph 4 of Mr. C. J. Lyall's letter No. 1700, dated 8th November 1893, that it would be open to the Lieutenant-Governor, should he deem it expedient, to nominate any thoroughly capable Provincial Officer to fill one of the vacancies among listed posts allotted against the years 1881 to 1885, irrespective of seniority, inasmuch as the claims of the Indian Civilians of the years in question hold good only to the number of posts for which recruitments in those years were made, and it was suggested that such a nomination would be an effective demonstration of the advantages of joining the Provincial Service. I am to say that His Honour the Lieutenant-Governor has not hitherto availed himself of this power of nomination, because he considered it desirable to afford the fullest trial to the

qualifications of the only member of the Statutory Civil Service in these Provinces who elected in 1893 to be transferred from that Service to the Provincial Service. The officer in question is Mr. Umesh Chandra Batabyal, who has for several years been officiating as a Magistrate and Collector, but as the Government has now been afforded an ample opportunity of judging of his fitness for confirmation in that office, the Lieutenant-Governor desires to delay no longer in nominating him for one of the vacancies belonging to the years referred to.

2. A substantive vacancy in the grade of Magistrate and Collector has recently occurred in consequence of the retirement of Mr. C. A. Samuells, with effect from the 3rd March, and Sir Charles Elliott directs me to request that authority may be conveyed to him to confirm Mr. Umesh Chandra Batabyal as a third grade Magistrate and Collector in the chain of promotion which this retirement will occasion. This promotion would devolve in the ordinary course upon an officer of the Civil Service who came to India in the year 1883. But it is explained in your letter quoted that three vacancies allotted to the years from 1881 to 1885 may properly and legitimately be diverted to members of the Provincial Service, and as the Lieutenant-Governor proposes to fill up, for the present at least, only one vacancy by nomination from that Service, it is evident that the claims of Indian Civilians of the years in question are not affected by this recommendation. Those claims only hold good to the proportion of posts for each year to which Civilians recruited after 1881 are entitled.

3. The Government of India are aware that Mr. Umesh Chandra Batabyal, after a distinguished University career, during which he obtained the Premchand Roychand Scholarship, was appointed as a Deputy Magistrate in 1877, and that he was transferred to the Statutory Civil Service after competitive examination in 1888. In 1893 he elected, under the terms offered to him by the Government of India, to be retransferred to the Provincial Service. He was first appointed to officiate as a Magistrate and Collector in 1891, and has been continuously officiating since March 1893. He has served with credit and distinction, and in the Lieutenant-Governor's opinion his confirmation on the present occasion would be a just recognition of his merit.

No 55. From J. P., HEWETT, Esq., C.I.E., Officiating Secretary to the Government of India, to the Chief Secretary to the Government of Bengal,—No. 285, dated the 30th April 1895.

I am directed to acknowledge the receipt of your letter No. 1700-A., dated 18th ultimo, conveying the Lieutenant-Governor's recommendation that Mr. Umesh Chandra Batabyal, a member of the Provincial Civil Service, should be confirmed as a third grade Magistrate and Collector.

2. It was stated in paragraph 4 of Home Department letter No. 1700, dated 8th November 1893, that it would be open to His Honour, should he think it expedient, to nominate any thoroughly capable Provincial officers to fill three vacancies allotted to the years 1881-85 irrespective of seniority, inasmuch as the claims of the Indian Civilians of the years in question hold good only to the posts shown in column 3 of the statement furnished with your No. 3403-A., dated 25th July 1893. But the posts referred to were the aggregate number which would fall vacant during the five years in question, and it was not meant that the date at which each appointment could be made available to the Provincial Service should be neglected, or that the right of the Indian Civilians of a particular year to have their claims considered before the appointment of a Provincial officer to a *cadre* post in that year should be set aside.

3. As stated in the letter from this Department to the Government of Madras, No. 746 dated 29th May 1893, a reduction of one-sixth in the recruitment of Indian Civilians in England was commenced in 1879, to make room for the appointment in India of natives of India to reserved posts under the Statute of 1870. It was decided that Indian Civilian recruited after 1879-81 should have their claims considered to the extent of five-sixths of the total number of posts for which recruitment was or might have been made in each year. Paragraph 3 of the letter of 29th May 1893 above-mentioned explained that "what was intended was that one-sixth of the posts to be recruited for after 1879-81, taken together, should be available for the Provincial Service (including Statutory Civilians), the claims of the Indian Civilians of each year being satisfied before any of the available posts were actually made over to the Provincial Service."

Copy forwarded to the Government of Bengal with Home Department No. $\frac{18 \text{ Public}}{834}$, dated 17th June 1893.

4. In accordance with these principles, there were shown in column 9 of the statement forwarded with your letter No. 3403-A., dated 25th July 1893, as appointments which would normally be allotted to the Provincial Service, one post against 1881, one against 1883, two against 1884, and one against 1885. It is clear from the orders above recited that only the

two appointments, which became available to the Provincial Service in 1881 and 1883, can be filled by Statutory Civilians or Members of the Provincial Service before the claims of the Indian Civilians of 1884 have been considered. Nanda Krishna Bose (a Statutory Civil Servant) is a substantive Magistrate and Collector, and sanction has been communicated in my letter No. 255, dated 18th instant, to the confirmation of Kumar Gopendro Krishna Deb as a District and Sessions Judge. Before the promotion of any other Provincial Civil Servant to the rank of Magistrate and Collector or District and Sessions Judge can be sanctioned it is necessary that the claims of those Indian Civilians of 1883 and 1884 who have not yet received promotion should be considered. It is stated in your letter that the vacancy in the third grade of Magistrate and Collector consequent on the retirement of Mr. Samuells would devolve in the ordinary course upon an officer of the Indian Civil Service who came to India in the year 1883, and the claims of some of the officers of that year and of those of 1884 have not yet been considered for vacancies among Magistrates and Collectors or Judges. When the claims to promotion of the Indian Civilians of the latter year have been considered, the next two vacancies in these posts may, if His Honour, after considering the expediency of promoting such officers before the time for advancing the next Statutory Civilian has arrived, sees fit, be conferred on qualified Provincial Civil Servants, irrespective of their seniority in the Service; and similarly another may be conferred when the rights to the posts for which they were recruited for the Indian Civilians of 1885 have been met. But a Provincial Civil Servant cannot be promoted in virtue of one of the posts which became available to the Provincial Service in 1884, until the claims of all Indian Civilians of that year have been considered and, under these circumstances, the Governor General in Council regrets that he is unable to sanction the confirmation of Mr. Umesh Chandra Batabyal as a Magistrate and Collector, third grade, at present.

From the Honourable J. F. PRICE, C.S.I., Chief Secretary to the Government of Madras, to the Secretary to the Government of India,—No. 61, dated the 3rd August 1893. No. 56.

I am directed to acknowledge the receipt of your letter of the 29th May 1893, No. 746 Public, regarding the appointment of members of the Provincial Service to the posts transferred from the Civil Service of India, and in reply to forward copy of the Proceedings of this Government of to-day's date, No. 600, from which it will be seen that it has been considered necessary to make some slight alterations in the statement appended to your letter showing the rate at which these posts will become available.

2. In paragraph 7 of your letter under reply, it is stated that

> "in the case of covenanted appointments thrown open to the Provincial Service, no "excess of *these appointments* is required either on account of men in training "or of men to fill leave vacancies, as from the nature of the case, the mem- "bers of that Service who will be appointed to such posts will already be expe- "rienced men who have emerged from the stage of training, and leave-vacancies "will be filled by other members of the Provincial Service."

and a little further on that

> "whatever excess of officers over actual post is required as a leave and training reserve "for the Covenanted appointments transferred to the Provincial Service will "be supplied by extra recruitment for the Provincial Service generally."

As there appears to be a contradiction in these two statements, I am to request that His Excellency the Governor in Council may be informed as to the proper construction to be placed on them.

Extract from the Proceedings Govt. of Madras in the P. W. Dept., No. 60, dated 3rd August 1893.

ORDER.

Recorded.

2. With reference to the statement appended to the letter read above, it is observed that the claims of Statutory Civilians who elect to retain their present positions are, under the order * noted in the * margin, to be taken into consideration after those of the last of the Indian Civilians whose covenants bear date previous to

* Paragraph 5 of Home Department letter, dated 27th May 1892, No. 1535 (G. O., dated 16th December 1892, No. 875).
Paragraph 6 (1) of Home Department letters dated 10th November 1892, No. 2194 (G. O., dated 16th December 1892, No. 877.)

their confirmation. The date of confirmation of the Statutory Civilians of this Presidency are as shown below :—

Mr. K. C. Manavedan Raja	26th Aug. 1882.
Muhammad Raza Khan	30th Nov. 1882.
Mir Shujaat Ali Khan	27th Aug. 1884.
T. M. Swaminatha Aiyar	27th Jan. 1886.
T. Varada Rao	17th Aug. 1887.
P. Raja Gopala Chari	2nd May 1890.

It will be seen by reference to the Civil List that the date of Mr. Manavedan Raja's confirmation is earlier than that of the covenant of any of the Indian Civilians who arrived in the year 1882, and that the same remark applies to Messrs. Mir Shujaat Ali Khan, T. M. Swaminatha Aiyar, T. Varada Rao, and P. Raja Gopala Chari with reference to the Indian Civilians of 1884, 1886, 1887, and 1890, respectively. These Statutory Civilians should therefore be shown in column 6 of the statement before the Indian Civilians of the years mentioned, Mr. Manavedan Raja being shown before the Indian Civilians of 1882; Mr. Mir Shujaat Ali Khan before those of 1884, *i.e.*, against those of 1883; Mr. T. M. Swaminatha Aiyar before those of 1886, *i.e.*, against those of 1885, Mr. T. Varada Rao before those of 1887, *i.e.*, against those of 1886; Mr. P. Raja Gopala Chari before those of 1890, *i.e.*, against those of 1890.

Mr. C. Ramachandra Aiyar was confirmed on the 26th March 1887, and though he belongs to the Provincial Service, his name should be shown as in the Government of India statement, immediately above that of Mr. Varada Rao.

3. The Government considers that it will also be more convenient if, for the entries in column 5 of the statement forwarded by the Government of India, the progressive totals of column 4 are substituted, and if Statutory Civilians who are no longer in the Service are omitted.

4. The statement, as thus revised, is printed as an appendix to these Proceedings. Its usefulness would be enhanced if a table were added showing the number and classes of listed posts and the number of these held, permanently and acting, by officers of the Provincial Service. The Accountant General will be requested to make this addition and to keep the statement corrected to date. He should arrange for its revision monthly and furnish the Superintendent of the Government Press with corrected proofs so as to admit of that officer making the following distribution by the 5th of each month :—

Private Secretary to his Excellency the Governor	2 copies.
Honourable Members of Government	1 copy each.
Chief Secretary	4 copies.

[Here enter No. 601, dated 3rd August 1893.]

(True Extract.)

J. F. PRICE,

Chief Secretary to the Government of Madras.

Year (of arrival).	Number of Civilians recruited in England.	Number of actual posts for which Civilians recruited *i.e.*, column 2 *minus* 27·5 per cent., leave and training reserve.	Maximum number of appointments that become available to Provincial Service, *i.e.*, one-fifth of column 3.	Progressive total of column 4.	Number of Statutories appointed and at present in the service according to the date of their confirmation and their names.	Whether transferred to the Provincial Service or not.	Number of existing Statutories who elect to remain in their present position and whose claims must be considered before posts can be transferred to Provincial Service.	Number of appointments that can be made from Provincial Service (excluding Statutory Civilians shown in column 8 but including the ex-Statutories transferred to Provincial Services) to listed posts after the claims of Civilians in column 2 and of existing Statutories in column 7 have been satisfied.	Remarks.
1	2	3	4	5	6	7	8	9	10
1882 . . .	3	2·175	·435	...	K. C. Manavedan Raja .	Elects to remain in present position.	......	......	
					Muhammad Raza Khan .	Do. do.	2	......	
1883 . . .	4	2·9	·58	1·015	Mir Shujaat Ali Khan .	Do. do.	1	......	
1884 . . .	6	4·35	·87	1·885	......	......	......	......	
1885 . . .	6	4·35	·87	2·755	T. M. Swamanatha Aiyar .	Elects to remain in present position.	1	......	
1886 . . .	7	5·075	1·015	3·770	C. Ramachandra Aiyar .	Provincial Service . .	......	......	
					T. Varada Rao . .	Elects to remain in present position.	1	......	
1887 . . .	9	6·525	1·305	5·075	......	......	......	......	
1888 . . .	5	3·625	·725	5·800	......	......	......	1	
1889 . . .	6	4·35	·87	6·670	P. Raja Gopala Chari .	Elects to remain in present position.	1	......	
1890 . . .	8	5·8	1·16	7·830	R. R. Ramachandra Rao .	Transferred to Provincial Service.	......	1	
1891 . . .	8	5·8	1·16	8·990	......	......	......	......	
1892 . . .	6	4·35	·87	9·860	......	......	......	1	
	Estimated recruitment.								
1893 . . .	9	6·525	1·305	11·165	......	......	......	1	
1894 . . .	7	5·075	1·015	12·180	......	......	......	1	
1895 . . .	8	5·8	1·16	13·340	......	......	......	1	
1896 . . .	7	5·075	1·015	14·355	......	......	......	8 (or 2)	
Total .	99	71·775	14·355	...	......	......	6	1 (or 9)	

No. 57. From C. J. LYALL, Esq., C.S.I., C.I.E., Secretary to the Government of India, to the Chief Secretary to the Government of Madras,—No. 1315, dated the 14th September 1893.

I am directed to acknowledge the receipt of your letter No. 601 (Public), dated the 3rd ultimo, regarding the appointment of members of the Provincial Service to the posts transferred from the Civil Service of India.

2. With reference to paragraph 2 of your letter, I am to say that the two passages quoted therein from paragraph 7 of my letter of the 29th May last do not appear to the Government of India to be contradictory, it being understood that the term "Provincial Service" in the second passage includes not only the officers holding "listed" posts, but also the general body of Deputy Magistrates and Collectors, Subordinate Judges and District Munsifs. The first passage was intended to convey that it is not necessary to "list" any number of *covenanted* posts in excess of the actual number to be filled by members of the Provincial Service. The second passage went on to explain that whatever excess of officers over sanctioned posts might be required for continuously filling these listed offices would be provided, not from officers holding the "listed" posts, but from officers holding posts in the general body of the Provincial Civil Service. For instance, the general body of Deputy Collectors and Subordinate Judges would form the leave reserve for filling vacancies in the posts of Magistrate and Collector or District and Sessions Judge listed as open to the Provincial Service.

3. Altogether fifteen Covenanted posts have been listed for transfer to the Madras Provincial Service. If an increase of more than fifteen officers is required in the Provincial Civil Service in order to fill these posts continuously (after the posts have all been actually transferred under the prescribed conditions) the excess will be provided by extra recruitment for the general body of the Provincial Service, *i.e.*, by extra appointments, permanent or officiating, as the case may be, in the regular way to the lowest grades of that Service (*vide* paragraph 7 of Resolution No. 9—1342-52, dated 21st April 1892.)

No. 58. From the Chief Secretary to Government, North-Western Provinces and Oudh, to the Secretary to the Government of India, Home Department,—No. 2415, dated the 19th August 1893.

I am directed to reply to your letter No. $\frac{18P}{1835}$, dated 17th June 1893, asking for a statement showing the rate at which listed posts will become available for transfer to the Provincial Service in the North-Western Provinces and Oudh.

2. I am in the first place to invite attention to the following figures which, indicating as they do the extent to which the Indian Civil Service in these Provinces has been under-recruited in the years 1881 to 1885, have an important bearing on the question under discussion :—

Year of arrival in India.	Prescribed annual recruitment for Indian Civilians.	Actual number admitted.	Prescribed annual recruitment of Statutories.	Recruitment of the Statutories actually on the Civil Lists.	REMARKS.
1881	8·38	4	1·67	3	* In the years thus marked one Civilian was transferred to the Central Provinces.
1882	8·38	*†5	1·67	...	
1883	8·38	5	1·67	...	
1884	8·38	8	1·67	...	
1885	8·38	7	1·67	1	† In 1882 one Civilian was transferred to Burma and one to the Central Provinces.
1886	8·38	*9	1·67	3	
1887	8·38	*9	1·67	1	
1888	8 38	7	1·67	3	
1889	8·38	11	1·67	...	
1890	8·38	*11	1·67	2	‡ Calculated on a total strength of 244 fixed from this year (1892) onward.
1891	8·38	10	1·67	1	
1892	8.76‡	9	1·75	...	

The Lieutenant-Governor considers that in determining the number of listed posts available for transfer to the Provincial Service of these Provinces regard should be had rather to the prescribed standard of annual recruitment of Indian Civilians than to the actual number recruited in each year. If the latter method be followed, the result is that the greater the under-recruitment, through accidental causes, of Indian Civilians in any year, and the greater the chance of rapid promotion thereby accruing to those recruited, the fewer will be the number of appointments made available to the Provincial Service. The Lieutenant-Governor apprehends that under the Statutory Rules it was permissible to appoint 1·67 Statutory Civilians every year to these Provinces, so long as the normal rate of recruitment was fixed at 10·05 a year for Indian Civilians and Statutories combined on a total strength of 233 officers, whether

or not the full recruitment standard of 8·38 Indian Civilians was worked up to. If he be correct in this supposition, the number of *cadre* posts available for transfer to the Provincial List will be regulated by the normal rate of recruitment fixed from 1881 downwards for Statutory Civilians. This normal rate, as already said, is 1·67 a year, representing, on the basis of the calculation explained in the letter of the Government of India, to the Government of Madras, 1·21 actual posts. In view also of the advantageous position in which Indian Civilians appointed to the Province between the years 1882 and 1892 are placed in the matter of promotion owing to short recruitment in the first years of this period, the Lieutenant-Governor would, in transferring posts to the Provincial Service, go a little beyond this limit. The case is one of the class contemplated by the Secretary of State in paragraph 21 of his Despatch No. 104 dated 12th September 1889*, on the proposals of the Public Service Commission.

* "I trust that the Provincial Governments may sometimes, without infringing the equitable claims of the members of the Covenanted Service, find, with your co-operation, earlier opportunities than have been contemplated of giving to the members of the Provincial Services the appointments to which it is proposed they shall ultimately attain."

3. The last column of the table in the margin shows the number of cadre posts which, in accordance with the calculations stated above, the Lieutenant-Governor proposes to transfer to the Provincial Service as the claims of the Indian Civilians appointed in each of the years named become satisfied. The effect of this arrangement would, it is understood, be as follows:—

Year of arrival in India of Indian Civilians.	Normal number of posts available for transfer to Provincial Service.	Actually existing number of Statutories.	Number of posts proposed for transfer.
1881 . .	1·21	3	3
1882 . .	1·21	...	...
1883 . .	1·21	...	...
1884 . .	1·21	...	1
1885 . .	1·21	1	1
1886 . .	1·21	3	2
1887 . .	1·21	1	2
1888 . .	1·21	3	2
1889 . .	1·21	...	1
1890 . .	1·21	2	2
1891 . .	1·21	1	1
1892 . .	1·45	...	2
1893 . .	2·17	...	2
1894 . .	2·17	...	1
1895 * . .	1·45	...	1
TOTAL .	20·55	14	21

* NOTE.—For 1892 and subsequent years the number of posts in column 2 is calculated on the revised annual rate of recruitment fixed for the Provincial Service during those years by Home Department's letter No. 45, dated 30th January 1893.

(1) When the Indian Civilians who arrived in India in 1881 have all obtained appointments as District Magistrates or Judges, three of these posts will be open to the Provincial Service before the claims of Indian Civilians who arrived in India in 1882 come to be considered ; deducting any of such posts as may have been given to Statutory Civilians who have rejected the Provincial Service.

(2) One post of Joint Magistrate, 2nd grade, becomes available for transfer in 1884 and another in 1885, when the claims of the Indian Civilians of each of these years have been satisfied. As a matter of fact the claims of the Civilians of these years have been satisfied. But the two posts in question are at present held by Statutories.

(3) When the last Civilian of 1884 has obtained promotion from Joint Magistrate, 2nd grade, to Joint Magistrate, 1st grade, a post of Joint Magistrate, 1st grade, will be available for transfer to the Provincial Service, unless it is held by a Statutory who has not elected to enter that Service.

(4) Similarly when the last Civilian of 1884 is promoted to be a Magistrate or Judge a post of Magistrate or Judge will become available for transfer to the Provincial Service.

Apart from the posts on which Indian Civilians have claims, there are five named in the margin, of which two, namely the Assistant Directorship of Land Records and the Small Cause Court Judgeship of Lucknow, are already held by members of the Provincial Service. The remaining three can be transferred to the Provincial Service as soon as the Statutory Civilians have made their election. There is a second Small Cause Court Judgeship, that at Allahabad, on which the Indian Civilians senior to 1882 have claims, and which cannot be transferred until those claims have been satisfied.

One Junior Secretary to the Board of Revenue.
Two Assistant Settlement Officers.
One Assistant Director of Land Records.
One Small Cause Court Judgeship.

4. As the Statutory Civilians have not yet made their election, it is impossible to specify in manner indicated in the statement sent to the Government of Madras the extent to which Statutory Civilians who do not elect the Provincial Service will occupy the posts proposed to be made available for transfer to that Service. This information can be given hereafter.

No. 59. From C. J. LYALL, Esq., C.S.I., C.I.E., Secretary to the Government of India, to the Chief Secretary to the Government of the North-Western Provinces and Oudh,—No. 1367, dated the 26th September 1893.

I am directed to acknowledge the receipt of your letter No. 2415, dated the 19th ultimo, forwarding a statement showing the rate at which listed posts will become available to the Provincial Civil Service in the North-Western Provinces and Oudh.

2. In reply I am to say that it is observed that in the table in the margin of paragraph 3 of your letter the normal annual rate of recruitment of Indian Civilians has been taken as the basis for calculating the number of posts available for transfer to the Provincial Service down to the year 1891, and the actual recruitment after that year. The Governor General in Council has no objection to the calculation being based on the normal instead of the actual recruitment as proposed by His Honour the Lieutenant-Governor; but he is of opinion that the same principle should be followed during the whole period covered by the statement, and that the number of posts available for transfer should be calculated throughout *either* on the actual *or* on the normal recruitment. If the normal recruitment only be taken for the years after 1891, the rate to be shown will be 1·27 for each of these years.

3. His Excellency in Council also thinks it preferable that, instead of three posts being shown in the last column of the table against the year 1881, two should be shown against that year and one against the year 1882. This alteration will make the transfer more gradual, and it will not affect the Statutory Civilians who may elect to remain in their present position, as their promotion will be regulated according to their seniority, as shown in the Civil List.*

* *Vide* paragraph 5 (1) of the letter to the Government of the North-Western Provinces and Oudh, No. 2197, dated 10th November 1892.

4. Subject to the remarks made above, the Governor General in Council has no objection to the table prepared by the Government of the North-Western Provinces and Oudh.

No. 60. From the Honourable J. D. LATOUCHE, Chief Secretary to the Government of the North-Western Provinces and Oudh, to the Secretary to the Government of India,—No. 3469, dated the 14th November 1893.

With reference to correspondence ending with your letter No. 1367, dated 26th September 1893, I am directed to forward, for the information of the Government of India, copy of the table in paragraph 3 of my letter No. 2415, dated 19th August 1893, revised in the light of the remarks contained in the communication under acknowledgment, that is, against the year 1881, 2 has been entered in the last column instead of 3, and 1 against 1882, and the normal rate of recruitment has been adhered to throughout for calculating the number of posts available for transfer.

Copy of the revised Table in paragraph 3 of this Government's No. 2415, dated the 19th August 1893.

Year of arrival in India of Indian Civilians.	Normal number of posts available for transfer to the Provincial Service.	Actually existing number of Statutories.	Number of posts proposed for transfer.	REMARKS.
1881	1·21	3	2	
1882	1·21	...	1	
1883	1·21	...	...	
1884	1·21	...	1	
1885	1·21	1	1	
1886	1·21	3	2	
1887	1·21	1	2	
1888	1·21	3	2	
1889	1·21	...	1	
1890	1·21	2	2	
1891	1·21	1	1	
1892	1·27	...	1	
1893	1·27	...	1	
1894	1·27	...	1	
1895	1·27	...	1	
	18·39	14	19	

From H. C. FANSHAWE, Esq., Chief Secretary to Government, Punjab and its Dependencies, to the Secretary to the Government of India, Home Department,—No. 1082 S., dated 26th October 1895. No. 61.

In compliance with the request contained in your letter No. 18-836, dated 17th June 1893, and in continuation of my letter No. 1081 S. of this date, I am directed to forward for the information of the Government of India, a statement showing when the listed posts in the Punjab are likely to become available for transfer to the Provincial Civil Service.

2. The reasons which have delayed the submission of this statement are known to the Government of India, and need not, the Lieutenant-Governor thinks, be referred to here.

Statement showing the rate at which "listed posts" are likely to become available for transfer to the Provincial Civil Service in the Punjab.

1	2	3	4	5		6	7	8
YEAR.	Number of Civilians for recruitment in England according to prescribed scale.	Number of actual posts for which Civilians recruited, i e., column 2 *minus* 27·5 per cent., leave and training reserve.	Maximum number of appointments that become available to Provincial Service, i.e., 1-5th of column 3.	NUMBER OF STATUTORIES APPOINTED, ACCORDING TO THE DATES OF THEIR APPOINTMENTS, AND THEIR NAMES.		Whether to be transferred to the Provincial Service or not.	Number of existing Statutories who elect to remain in their present position and whose claims must be considered before posts can be transferred to Provincial Service.	Number of appointments that can be made from the Provincial Service (excluding Statutory Civilians shown in column 7, but including the ex-Statutories transferred to Provincial Service) to listed posts after the claims of Civilians in column 2 and of existing Statutories in column 7 have been satisfied.
				No.	Names.			
1880 . .	3.63	2·64	·528	1	Sardar Gurdial Singh . . .	To remain in present position.	1	...
1881 . .	3·63	2·64	·528	1	Nawab Muhammad Afzal Khan,* K.B.	Ditto ditto .	1	...
1882 . .	3·63	2·64	·528	2	Sardar Gurbachan Singh . . Kazi Muhammad Aslam, C.M.G. .	Left the service . To remain in present position.	... 1	... ...
1883 . .	3·63	2·64	·528 — 2·112		......	...	...	...
1884 . .	3·63	2·64	·528	1	Nasir-ud-din Ahmed Khan . .	Left the service .	...	...
1885 . .	3·63	2.64	·528 — 3·168		......	...	...	...
1886 . .	3·88	2·82	·564		......	...	...	...
1887 . .	3·88	2·22	·564 — 4·296		......	...	...	...
1888 . .	3·88	2·82	·564	2	Diwan Narendra Nath, M.A. . Maulvi Inam Ali, B. A. . .	To remain in present position. Ditto ditto .	2	1
1889 . .	3·88	2·82	·564	2	Khan Abdul Ghafur . . . Pandit Hari Kishen Kaul . .	Dtito ditto . Transferred to Provincial Service.	1	...

* Now ranks below men of 1883.

Statement showing the rate at which "listed posts" are likely to become available for transfer to the Provincial Civil Service in the Punjab.

1	2	3	4	5		6	7	8
Year.	Number of Civilians for recruitment in England according to prescribed scale.	Number of actual posts for which Civilians recruited, *i.e.*, column 2 *minus* 27·5 per cent., leave and training reserve.	Maximum number of appointments that become available to Provincial Service, *i.e.*, 1-5th of column 3.	Number of Statutories appointed, according to the dates of their appointments, and their names.		Whether to be transferred to the Provincial Service or not.	Number of existing Statutories who elect to remain in their present position and whose claims must be considered before posts can be transferred to Provincial Service.	Number of appointments that can be made from the Provincial Service (excluding Statutory Civilians shown in column 7, but including the ex-Statutories transferred to Provincial Service) to listed posts after the claims of Civilians in column 2 and of existing Statutories in column 7 have been satisfied.
				No.	Names.			
1890 . .	3·88	2·82	·564		...	...	...	...
1891 . .	4·47	3·24	·648		...	...	...	...
1892 . .	4·47	3·24	·648		...	...	...	1
1893 . .	4·47	3·24	·648 ― 7·932		...	...	...	...
1894 . .	4·47	3·24	·648 ― 8·580		...	...	...	1
1895 . .	4·47	3·24	·648 ― 9·228		...	...	...	1
1896 . .	4·47	3·24	·648 ― 9·876		...	...	...	...
1897 . .	4·47	3·24	·648 ― 10·524		...	...	...	1
1898 . .	4·47	3·24	·648 ― 11·172		...	...	...	...
1899 . .	4·47	3·24	·648 ― 11·820		...	...	...	1
1900 . .	4·47	3·24	·648 ― 12·468		...	...	...	
Total .	85·88	62·34	12·468	9			6	6

No. 62. From G. S. CURTIS, Esq., I.C.S., Under Secretary to the Government of Bombay, Revenue Department, to the Secretary to the Government of India,—No. 2943, dated the 9th April 1896.

WITH reference to the correspondence ending with Mr. Deputy Secretary Thornton's letter No. 2099, dated 23rd December 1895, I am directed to forward the accompanying statement showing the rate at which listed posts will become available for transfer to the Bombay Provincial Civil Service.

Statement referred to in the letter from the Government of Bombay, No. 2943, dated 9th April 1896.

Year (of arrival).	(a) Number of Civilians recruited in England.	Number of actual posts for which Civilians recruited, *i.e.*, column 2 *minus* 27·5 per cent., leave and training reserve.	Maximum number of appointments that become available to Provincial Service, *i.e.*, one-fifth of column 3.	Number of Statutories appointed according to the date of their confirmation and their names.		Whether to be transferred to the Provincial Service or not.	Number of existing Statutories who elect to remain in their present position and whose claims must be considered before posts can be transferred to Provincial Service.	Number of appointments that can be made from the Provincial Service (excluding Statutory Civilians shown in column 8, but including the ex-Statutories transferred to Provincial Service) to listed posts after the claims of Civilians in column 2 and of existing Statutories in column 7 have been satisfied.	Remarks.
1	2	3	4	5	6	7	8	9	10
1882	5	3·625	·725	1	S. P. Pestonji	Elects to remain in present position.	1	......	
1883	6	4·350	·870	...	......	......	......	......	
1884	6	4·350	·870	1	*G. D. Panse	Elects to remain in present position.	1	......	* Along with Mr. Panse, S. Jehangirkhan was appointed, but he resigned before he had been confirmed.
1885	6	4·350	·870	2	† L. G. Deshmukh	Ditto ditto.	2	......	† Appointed on 16th April 1881.
					K. R. Bomanji	Ditto ditto.	......	......	
1886	6	4·350	·870	2	N. B. Divatia	Ditto ditto.	1	......	
					S. Nurudin Khan	Dead	......	......	
1887	6	4·350	·870	2	D. Gidumal	Elects to remain in present position.	2	......	
					R. S. Tipnis	Ditto ditto.	......	......	
1888	6	4·350	·870	...	......	......	......	......	
1889	6	4·350	·870	1	‡V. R. Inamdar	Elects to remain in present position.	1	......	‡ Since died.
1890	6	4·350	·870	1	J. K. N. Kabraji	Ditto ditto.	1	......	
1891	6	4·350	·870	...	......	......	......	......	
1892	6	4·350	·870	1	§M. A. Baig	To be transferred to the Provincial Service.	......	1	§ Appointed to the Statutory Civil Service on the understanding that he would be transferred to the Provincial Service when constituted.
1893	8	5·800	1·160	...	......	......	......	......	
1894	7	5·800	1·160	...	......	......	......	1	
1895	8	5·075	1·015	...	......	......	......	1	
1896	7	5·075	1·015	...	......	......	......	1	
TOTAL	95	68·875	13·775	...	......	......	9	4	

No. 63. From the Government of India, to the Secretary of State for India,—No. 51, dated 3rd October 1894.

We have the honour to forward, for your information, a copy of the papers entered in the annexed list, relative to a proposal made by the Government of Madras to appoint Subordinate Judges in that Presidency to be Assistant Sessions Judges to try Sessions cases referred to them by the Sessions Judges.

2. In 1890 the Government of Lord Lansdowne, in communicating to Local Governments the orders contained in Lord Cross's Despatch No. 104, dated the 12th September 1889, regarding the proposals of the Public Service Commission so far as they related to the Judicial and Executive branches of the Administration, requested them to consider whether officers of the Provincial Service exercising only civil judicial functions should not undergo some period of probation in criminal business before they were appointed to a District and Sessions Judgeship. The Government of Madras expressed the opinion that this object could be secured either by the creation of two or three additional Subordinate Judgeships and the employment of about the same number of Subordinate Judges as Additional Sessions Judges, or by the appointment of all Subordinate Judges to be Additional Sessions Judges. There was, however, then no evidence to show that the agency for conducting Sessions trials in the Madras Presidency required to be strengthened; and Lord Lansdowne's Government considered that the desired result might be attained by transferring temporarily a Subordinate Judge, who gave promise of becoming an efficient District and Sessions Judge, to the Executive line and employing him upon ordinary criminal work as a Deputy Magistrate and Collector. The Government of Madras have now represented that in order to permit of the efficient working of this system, it would be necessary to prescribe a Revenue test to be passed by Subordinate Judges prior to their first appointment, as some guarantee of fitness for revenue duties would be needed in their cases. But as only a few Subordinate Judges and District Munsifs would under this system be transferred temporarily to the Executive line, the Madras Government consider that the knowledge of Revenue matters would, as regards the majority of these officers, be of little use in the performance of their ordinary duties, and consequently the tests to be passed by them would be needlessly increased. They have come to the conclusion that the best method of securing the training of Subordinate Judges in criminal work will be to appoint these officers to be Assistant Sessions Judges, to try Sessions cases referred to them by the Sessions Judges. The latter (it is said), being thus relieved of Sessions work, will be able to an equal extent to relieve Subordinate Judges of civil appeals and suits.

3. We consider it undesirable that a Subordinate Judge, without having had any previous experience in criminal work, should be entrusted with the powers exercised by a Sessions Judge, still less with the oversight of Criminal Courts which would be involved in his appointment to be Additional Sessions Judge. But the present proposal (*vide* section 409 of the Code of Criminal Procedure, 1882) does not involve the investment of Subordinate Judges with any appellate power, and sections 31 and 408 of the Code of Criminal Procedure respectively limit the powers of sentence of an Assistant Session Judge and provide for an appeal from his decisions to the Court of Session. Moreover, all cases reach an Assistant Sessions Judge after a careful preliminary inquiry by a Magistrate; and Subordinate Judges, experienced only in the work of the Civil Courts, will, we think, be better qualified to try cases in which such a preliminary inquiry has been carried out than to undertake the investigations, involving familiarity with police procedure and practice, which have to be performed by Magistrates in India. The Subordinate Judges, who would under the present proposal be invested with criminal judicial powers, are the picked men of their class; and having regard to their seniority and their standing in the Service it might frequently be found unsuitable to employ them in subordinate magisterial posts. For these reasons we are prepared to support the proposal to invest Subordinate Judges in Madras with the powers of Assistant Sessions Judges, provided that the proposal is restricted to the conferment of these powers on selected Subordinate Judges to the extent necessary to provide an adequate supply for filling the appointments of District and Sessions Judge (four in number) which have been listed as open to the Madras Provincial Civil Service.

4. As, however, the offices of Assistant Judges in the Regulation Provinces are reserved to the Indian Civil Service by Statute 24 and 25 Vict., cap. 54, it is necessary, before the proposal can be carried out, that a rule should be made by us, with the sanction of the Secretary of State in Council, in accordance with Statute 33 Vict., cap. 3, section 6. We accordingly submit for the necessary sanction the enclosed rule authorising the Government of Madras to appoint certain Subordinate Judges to be also Assistant Sessions Judges. The precise number of the officers to be so appointed will be subsequently determined by us. It will probably not be found necessary that more than two Subordinate Judges should exercise these powers at any one time.

LIST OF ENCLOSURES.

1. Draft rule referred to in paragraph 4 of the Despatch.
2. Extract, paragraph 3, from a letter from the Government of Madras, No. 326 (Public), dated the 11th May 1894.
3. Telegram to the Government of Madras, No. 1098, dated the 22nd June 1894.
4. Letter to the Government of Madras, No. 1099, dated the 22nd June 1894.
5. Telegram from the Government of Madras, No. 325, dated the 9th July 1894.
6. Telegram to the Government of Madras, No. 1300, dated the 31st July 1894.
7. Telegram from the Government of Madras, No. 379, dated the 4th August 1894.

Draft rule referred to in paragraph 4 of the Despatch.

In exercise of the power conferred by the Statute 33 Vict., cap. 3, section 6, and in continuation of the rules published in Notification No. 2159, dated the 2nd November 1892, the Governor General in Council has been pleased to make the following rule, which has been sanctioned by the Secretary of State in Council with the concurrence of a majority of the members present:—

"The Government of Madras may appoint any Subordinate Judge, being a member of the Provincial Civil Service and a Native of India of proved merit and ability, to be also an Assistant Sessions Judge."

Extract paragraph 3 from a letter from the Chief Secretary to the Government of Madras, to the Secretary to the Government of India, Home Department,—No. 326 (Public), dated the 11th May 1894.

3. In connection with this subject, I am directed to inform you of the action taken by this Government with reference to the training of District Munsifs and Subordinate Judges in criminal work.

In paragraph 15 of Mr. MacDonnell's letter of the 14th February 1890, No. 300, it was suggested that officers of the Provincial Service exercising only civil judicial functions should undergo some such training before being appointed to a District and Sessions Judgeship, four of which posts have in this Presidency been declared open to the members of that Service. This Government was of opinion that this object could be secured either by the creation of two or three additional Sub-Judgeships and the employment of about the same number of Sub-Judges and Additional Sessions Judges, or by the appointment of all Sub-Judges to be Additional Sessions Judges. In paragraph 8 of Home Department letter of the 27th May 1892, No. 1535, you intimated the opinion of the Government of India that the desired result might be attained by transferring temporarily a Subordinate Judge who gave promise of becoming an efficient District and Sessions Judge to the Executive line and employing him upon ordinary criminal work as a Deputy Collector and Magistrate.

Paragraph 17 of Public letter, dated 4th June 1890, No. 401.

In order to permit of the efficient working of this system, it would be necessary to prescribe a Revenue test as one of those to be passed by these officers prior to first appointment, for some guarantee of fitness for Revenue duties would be needed in their cases. But as only a few Sub-Judges and District Munsifs would under this system be transferred temporarily to the executive line, the knowledge of revenue matters would, as regards the majority of these officers, be of little use in the performance of their ordinary duties, and consequently the tests to be passed by them would be needlessly increased.

His Excellency the Governor in Council has, in consultation with the Honourable the Judges of High Court, come to the conclusion that the best method of securing the training of Sub-Judges in criminal work will be to appoint these officers to be Assistant Sessions Judges to try Sessions cases referred to them by the Sessions Judges, who being thus relieved of Sessions work might to an equal extent take the civil appeals and suits now falling on Sub-Judges. In view of the ample judicial training and the high capacity of those officers as a class, there is no danger in entrusting them with such powers. The necessary steps to carry this into effect are being taken.

From the Secretary to the Government of India, Home Department, to the Chief Secretary to the Government of Madras,—Telegram No. 1098, dated the 22nd June 1894.

Your letter 326, dated 11th May. Madras Provincial Civil Service Rules. Proposal in paragraph 3 regarding appointment of Subordinate Judges to be Assistant Sessions Judges cannot be carried out except in accordance with Statute 33 Vict., cap. 3, section 6. Letter follows.

From C. J. LYALL, Esq., C.S.I., C.I.E., Secretary to the Government of India, Home Department, to the Chief Secretary to the Government of Madras,—No. 1099, dated the 22nd June 1894.

I am directed to acknowledge the receipt of your letter No. 326 (Public), dated the 11th ultimo, forwarding a copy of the rules for admission to the Madras Provincial Civil Service as finally revised and issued by the Government of Madras. In paragraph 3 of your letter it is stated that, with a view to secure the training of Subordinate Judges in criminal work, His Excellency the Governor in Council proposes to appoint these officers to be Assistant Sessions Judges to try Sessions cases referred to them by the Sessions Judges, and that he is causing steps to be taken to carry the proposal into effect.

2. With reference to this proposal, I am directed to say, in continuation of the telegram from this Department, No. 1098, dated 22nd instant, that as the offices of Assistant Judges are reserved to the Indian Civil Service by Statute 24 and 25, Vict., cap. 54, it is necessary before the proposal can be carried out, that a rule should be made by the Governor General in Council with the sanction of the Secretary of State in Council under Statute 33, Vict., cap. 3, section 6, authorising the Local Government to appoint any Subordinate Judge to be also an Assistant Sessions Judge. Before considering, however, whether such a rule should be recommended for the sanction of the Secretary of State, the Government of India will be glad to learn the probable time when the appointments of District and Sessions Judges or any of them listed as open to the Madras Provincial Civil Service are likely to become available for transfer to that Service.

From the Chief Secretary to the Government of Madras, to the Secretary to the Government of India, Home Department,—Telegram No. 325, dated the 9th July 1894.

Your 1099, June 22nd. This Government would respectfully advance that Scheduled appointment is Assistant Judge and not Assistant Sessions Judge. Latter is not appointment properly so called, but merely investiture with certain powers under Criminal Procedure Code. Taking average rate of retirements and deaths for past four years, Manavedan Raja, senior Statutory, would get permanent Judgeship or Collectorate by about 1899. First Provincial Service officer will get permanent Judgeship about July 1902. Vacancy at present exists for appointment Provincial Service officer as acting Judge. Please pass very early orders, as recent investiture Sub-Judges with powers Assistant Sessions Judges to assist District Judges in clearing arrears been withheld.

From the Secretary to the Government of India, Home Department, to the Chief Secretary to the Government of Madras,—Telegram No. 1300 (Public), dated 31st July 1894.

Your telegram 325, 9th instant. Proposed appointment of Subordinate Judges to be Assistant Sessions Judges. Governor General in Council having again considered the point adheres to view stated in letter of 22nd ultimo, that Subordinate Judges cannot be appointed Assistant Sessions Judges save in the way there indicated. Government of India will consider desirability of making rule under Statute 33 Vict., cap. 3, section 6, but would be glad to know whether Madras Government desire to make any further remarks upon the subject.

From the Chief Secretary to the Government of Madras, to the Secretary to the Government of India, Home Department,—Telegram No. 379, dated the 4th August 1894.

Your telegram 1300 (Public), 31st July. This Government considers appointment Subordinate Judges as Assistant Sessions Judges to be important factor in working of Provincial Service scheme, as after considerable discussion it was decided that this was best practicable method for securing training of these officers in criminal work in order to fit them for post District and Sessions Judge.

No. 64. From the Secretary of State for India, to the Government of India,—No. 104 (Public), dated the 8th November 1894.

Having considered in Council the draft Rule which accompanied your Government's letter No. 51, dated the 3rd ultimo, I have accorded my sanction to it with the concurrence of a majority of the members present.

2. The reasons which have induced Your Excellency's Government to propose this special rule for the Presidency of Madras are fully stated in the third paragraph of the letter under reply. They appear to me very cogent, but they would seem to apply to other Provinces also,

and not exclusively to Madras. I presume that your Government are desirous of trying the experiment in one Province before proposing a rule of general application.

Home Dept. (Public) Notification No. 67, dated the 24th January 1895. **No. 65.**

In exercise of the power conferred by the Statute 33, Vict., cap. 3, section 6, and in continuation of the rules published in Notification No. 2159, dated the 2nd November 1892, the Governor General in Council has been pleased to make the following rule which has been sanctioned by the Secretary of State in Council with the concurrence of a majority of the members present:—

"The Government of Madras may appoint any Subordinate Judge, being a member of the Provincial Civil Service and a Native of India of proved merit and ability, to be also an Assistant Sessions Judge."

From J. P. Hewett, Esq., C.I.E., Officiating Secretary to the Government of India, to the Chief Secretary to the Government of Madras,— No. 68, dated the 24th January 1895. **No. 66.**

With reference to the correspondence ending with your telegram No. 379, dated the the 4th August last, I am directed to forward, copy of the papers noted in the margin, from which it will be seen that, under Statute 33, Vict., cap. 3, section 6, a rule has been issued by the Government of India, with the sanction of the Secretary of State in Council, authorising the Government of Madras to appoint any Subordinate Judge being a member of the Provincial Civil Service and a Native of India of proved merit and ability, to be also an Assistant Sessions Judge. In view of the fact that the number of District and Sessions Judgeships thrown open to the Madras Provincial Service is four, the Governor General in Council considers that it should be sufficient to appoint not more than two Subordinate Judges to exercise the powers of Assistant Sessions Judges at any one time, and this view is expressed in paragraph 4 of the Despatch to the Secretary of State of 3rd October last. I am accordingly to ask that not more than two Subordinate Judges may be appointed at any one time to be Assistant Sessions Judges under the rule now sanctioned.

> Despatch to the Secretary of State, No. 51, dated the 3rd October 1894.
> Despatch from the Secretary of State, No. 104, dated the 8th November 1894.
> Home Department Notification No. 67, dated the 24th January 1895.

The Governor General in Council would be glad, when the rule has been in operation for two years, to learn the opinion of the Government of Madras as to how it has worked.

From the Chief Secretary to the Government of Fort St. George, to the Secretary to the Government of India, Home Department,—No. 1463 Public, dated 10th November 1897. **No. 67.**

I am directed to refer to Mr. Hewett's letter, No. 68, Public, dated 24th January 1895, which communicated a rule issued under the provisions of Statute 33, Vict., cap. 3, section 6, authorising this Government to appoint any Subordinate Judge, being a member of the Provincial Civil Service and a Native of India of proved merit and ability, to be also an Assistant Sessions Judge. The Governor General in Council desired to be furnished with the opinion of the Government of Madras as to the working of the rule after it had been in operation for two years.

2. The Judges of the High Court now report that the experiment has proved successful; that the two Subordinate Judges who were appointed Assistant Sessions Judges discharged their duties on the whole well and rendered valuable assistance in two Sessions Divisions where the work was heavy; and that this training has rendered them better qualified to do duty as Sessions Judges. His Excellency the Governor in Council endorses this view.

From J. P. Hewett, Esq., C.I.E., Officiating Secretary to the Government of India, to the Chief Secretary to the Government of Bengal, the Chief Secretary to the Government of the North-Western Provinces and Oudh, the Chief Secretary to the Government of the Punjab,—Nos. 69—71, dated the 24th January 1895. **No. 68.**

I am directed to forward, for the information of the Government of (Bengal / the N. W. P. and Oudh / the Punjab), a copy of the papers marginally noted, relating to the issue by the Government of India, with the sanction of the Secretary of State in Council, under Statute 30, Vict., cap. 3, section 6, of a rule authorising the Government of Madras to appoint any Subordinate Judge, being a member of the Provincial Civil Service and a Native of

> Despatch to the Secretary of State, No. 51, dated the 3rd October 1894, and enclosures.
> Despatch from the Secretary of State, No. 164, dated the 8th November 1894.
> Home Department Notification No. , dated the .

India of proved merit and ability, to be also an Assistant Sessions Judge. I am to invite attention to paragraph 3 of the Despatch to the Secretary of State of 3rd October last, in which are stated the reasons for which the Government of India recommended the proposal of the Government of Madras to invest Subordinate Judges in that Presidency with the powers of Assistant Sessions Judges. The proposal, it will be observed, is to be restricted to the conferment of these powers on selected Subordinate Judges to the extent necessary to provide an adequate supply for filling the appointments of District and Sessions Judges which have been listed as open to the Provincial Civil Service. The number of District and Sessions Judgeships thrown open to the Madras Provincial Civil Service is four, and the Government of India have, in accordance with the opinion expressed in paragraph 4 of their Despatch of 3rd October last, prescribed two as the number of Subordinate Judges who can, under the rule, be appointed at the same time to be Assistant Sessions Judges in the Madras Presidency.

2. I am to ask whether, in the opinion of His Honour the Lieutenant-Governor (and Chief Commissioner), it would be desirable to adopt as regards Bengal / the N. W. P. and Oudh / the Punjab a rule similar to that sanctioned for the Madras Presidency and subject to the same limitation as regards the extent to which appointments are to be made under the rule.

No. 69. From H. J. S. Cotton, Esq., C.S.I., Chief Secretary to the Government of Bengal, to the Secretary to the Government of India, Home Department,—No. 1040-A., dated 16th February 1895.

I am directed to acknowledge the receipt of your letter No. 69, dated the 24th January 1895, on the subject of the appointment of Assistant Sessions Judges in this Province.

2. In reply, I am to state that the present circumstances of Bengal do not, in the Lieutenant-Governor's opinion, call for measures similar to those which have been adopted in the Madras Presidency. Six Judgeships have, in Bengal, been thrown open to the Provincial Service. Of the Statutory Civilians serving in these Provinces, one, *viz.*, Mr. Brojendro Kumar Seal, is already a substantive District and Sessions Judge, and five*others may be said to be qualified or qualifying for the remaining Judgeships. Of these five officers, Kumar Gopendra Krishna Deb, who holds the appointment of Inspector-General of Registration, will probably be made a Judge when it comes to his turn for promotion. There is already, therefore, an adequate supply for filling up all the Judgeships thrown open to the Provincial Service for some time to come. Moreover, it has already been decided by the Government of India, in Mr. Lyall's letter No. 1537, dated the 27th May 1892, that officers of the Judicial branch of the Provincial Service who may be selected for listed posts can most conveniently be trained in criminal and Revenue work by being employed in a corresponding grade as Deputy Magistrates.

* 1. Kumar Gopendra Krishna Deb.
2. Mr. Syed Nural Huda.
3. " Ahsanuddin Ahmad.
4. " Barada Charan Mitra.
5. " Kedar Nath Roy.

3. For these reasons Sir Charles Elliott does not consider it necessary at present to adopt special measures for training members of the Provincial Service to be District and Sessions Judges, but as the time will shortly come when it may be necessary to take such a course, His Honour would be glad to be informed what the pay and position of a Subordinate Judge or Munsif would be if selected for appointment to the higher service as a Judge, and temporarily made an Assistant Sessions Judge. I am to point out that it would be necessary that his place in the Judicial branch of the Provincial Service should be filled up, as all the officers in that Service are fully employed, and that he could not be appointed to fill a vacancy in the Executive branch of the Service, as the block in promotion thus caused would be a hardship to the junior members of that Service. In the circumstances it would seem that his appointment should be made into a supernumerary or additional grade, but it is not clear what his salary and prospects would be.

No. 70. From J. P. Hewett, Esq., C.I.E., Officiating Secretary to the Government of India, to the Chief Secretary to the Government of Bengal,—No. 874-A., dated 31st May 1895.

I am directed to acknowledge the receipt of your letter No. 1040-A., dated the 16th ultimo, on the subject of the proposed appointment of Subordinate Judges in Bengal to be also Assistant Sessions Judges.

2. I am in the first place, with reference to the observation in paragraph 2 of your letter under reply, that it has already been decided by the Government of India in Mr. Lyall's letter No. 1537, dated the 27th May 1892, that officers of the Judicial branch who may be selected

for listed posts can most conveniently be trained in criminal and Revenue work by being employed in a corresponding grade as Deputy Magistrates, to say that, on further consideration, objections to such a plan have occurred to the Government of India which render its adoption undesirable in Provinces, like Bengal, where the status of Subordinate Judges is relatively high. The Governor General in Council is not certain that a system under which a specially selected Subordinate Judge would be detached from Civil Court work and employed altogether on that of a Deputy Magistrate, would be generally acceptable to the class of Subordinate Judges, while any system under which he would combine the duties of a Civil Judge with those of a Deputy Magistrate would, owing to the dual control to which he would be subjected, in all probability lead to friction. In view of these circumstances His Excellency in Council prefers that a trial should be given to the alternative method of training Subordinate Judges for the work of Sessions Judge by appointing them also to be Assistant Sessions Judges.

3. From paragraph 3 of your letter, in which a question is raised as to what the pay and position of a Subordinate Judge would be if selected for appointment to the higher service as a Judge, and temporarily made an Assistant Sessions Judge, it appears that the object of the proposal on which His Honour's opinion was invited in my letter No. 69, dated the 24th January last, has been to some extent misapprehended. It was not, I am to explain, intended that any selection "for appointment to the higher service as a Judge" should be made when a Subordinate Judge is temporarily appointed to be an Assistant Sessions Judge. The post of District and Sessions Judge for which he would be trained, and to which an appointment would eventually be made, is a "listed" post which has been thrown open to the Provincial Civil Service. The present proposal is merely to train likely selected officers belonging to the Provincial Service for ultimately filling the listed post, but without giving to individuals so selected any pledge of appointment. No transfer to a higher service is involved, nor does any question of pay arise. It is simply proposed that a Subordinate Judge, who may be considered a likely candidate for advancement to a listed appointment of District and Sessions Judge, should perform criminal business as an Assistant Sessions Judge in addition to his ordinary civil work. Any necessary adjustment of the civil work would be effected by the transfer of civil cases from his files to those of other officers.

4. I am to ask that the arrangement above explained may be further considered by His Honour, and to say that, in view of the necessity for eventually taking special measures to train members of the Provincial Service to be District and Sessions Judges, the Governor General in Council proposes, unless the Lieutenant-Governor has anything to urge against this being done, to recommend to the Secretary of State that a rule similar to that which has been adopted in Madras should be applied to Bengal.

From H. J. S. COTTON, Esq., C.S.I., Chief Secretary to the Government of Bengal, to the Secretary to the Government of India, Home Department,—No. 305A.-D., dated the 17th June 1895. No. 71.

I am directed to acknowledge the receipt of your letter, No. 874A., dated 31st May 1895, on the subject of the proposed appointment of Subordinate Judges in Bengal to be also Assistant Sessions Judges.

2. The Lieutenant-Governor agrees in the view expressed by the Government of India that it is desirable that selected Subordinate Judges should be trained for the criminal work of Sessions Judges, by appointing them also to be Assistant Sessions Judges. It is not however, desirable that more appointments of this kind should be made than are likely to be needed to provide men for filling posts which will become vacant in the near future. To give these powers to several Subordinate Judges, when there is no reasonable prospect of more than one or two vacancies for which they would be eligible occurring during the next two or three years, would be to create expectations which cannot be fulfilled, and would therefore cause disappointment.

3. From this point of view, I am to observe that in Bengal not more than six Judges are eligible for selection from the Provincial Service, and that the full number is now appropriated by members of the Statutory Service, *viz.*—

Mr. Brojendro Kumar Seal, Judge of Burdwan.
Kumar Gopendro Krishna Deb, Judge of Dacca.
Mr. Syud Nurul Huda, Officiating Judge of Jessore.
" Ahsanuddin Ahmad, Officiating Judge of Nadia.
" Boroda Charan Mitter, Officiating Judge of Faridpur.
" Kedar Nath Roy, Officiating Judge of Pabna.

There is no immediate vacancy, therefore, to which a Subordinate Judge could be appointed.

4. Mr. Brojendro Kumar Seal will, however, attain the age of 55 in June 1896: it is not known whether he will apply for a further extension of service; but although the point does not appear to have been decided, it is presumed that the Provincial rules for superannuation will be held to apply to Statutory Civilians, and in that case it is not improbable that he will apply for, and he possibly may obtain, an extension of his service. All the other Statutory Civilians are younger in age than the average Subordinate Judge, and no early vacancy can be reckoned on in their ranks. But as they may be expected to take leave in the ordinary course, the temporary vacancies so created may unobjectionably be filled up by the appointment of selected Subordinate Judges. Looking, therefore, to the reasonable prospect of vacancies (permanent and temporary) occurring among the six Statutory Judges now employed in Bengal, the Lieutenant-Governor is disposed to think that two selected Subordinate Judges should be chosen, in communication with the High Court, who may be appointed to be Assistant Sessions Judges with a view to training them to subsequently fill appointments in the grade of District and Sessions Judge.

5. Sir Charles Elliott desires me to take this opportunity of inquiring whether it will be competent to Government to appoint a Subordinate Judge who has been trained as Assistant Sessions Judge, to officiate as a District and Sessions Judge during a temporary privilege leave-vacancy of a Covenanted Judge, although the six listed posts may at the time be filled up by six Statutory or Provincial officers. If this could be done it would be a great convenience to the Administration, for, as the Government of India are aware (in consequence of the deficiency in the number of Covenanted Civilians of from 10 to 17 years' service), the Lieutenant-Governor is not unfrequently compelled either to refuse privilege leave to Judges, or to appoint very junior officers to act for them during their absence. If permission to make such an appointment is accorded, it would, in the Lieutenant-Governor's opinion, be desirable to place three, and not two, Subordinate Judges in training for District Judgeships.

6. The question of the prospects of a Subordinate Judge who may be selected to officiate as a District and Sessions Judge, and when he may hope to be confirmed in that appointment, does not appear to be be very clearly laid down; but it is presumed that the ruling* of the Government of India in Mr. Umesh Chandra Batabyal's case would be held to apply, and that it would not be possible to confirm any such officer as a District and Sessions Judge until the claims of all Covenanted Civilians of the year 1884 and above that year had been considered and satisfied.

* No. 285, dated 30th April 1895.

7. Subject to the considerations stated in this letter, I am to say that the Lieutenant-Governor has no objection to the promulgation of such a rule regarding the appointment of Assistant Sessions Judges as has been adopted in Madras.

No. 72. From H. C. FANSHAWE, Esq., Officiating Chief Secretary to the Government of the Punjab, to the Secretary to the Government of India, Home Department,—No. 675, dated the 8th May 1895.

In reply to your letter No. 71, dated the 24th of January 1895, I am directed to submit, for the information of the Government of India, a copy of a letter No. 1072-G., dated the 27th of March 1895, from the Registrar of the Chief Court, Punjab, and of its enclosures and to state that the Lieutenant-Governor concurs in the opinion expressed by the Judges of the Chief Court, that it is unnecessary to adopt, as regards the Punjab, a rule similar to that sanctioned for the Madras Presidency, which provides for the investiture of a limited number of Subordinate Judges, belonging to the Provincial Civil Service, with the powers of Assistant Sessions Judges, as a training for the appointment of District and Sessions Judges which have been listed as open to the Provincial Service.

From the Officiating Registrar, Chief Court, Punjab, to the Officiating Chief Secretary to the Government of the Punjab,—No. 1072-G., dated 27th March 1895.

With reference to your letter No. 369, dated the 12th instant, and correspondence from, the Government of India, asking for the opinions of the Judges on the proposed adoption, as regards the Punjab, of a rule similar to that in the Madras Presidency, which provides for the investiture of Subordinate Judges of the Provincial Civil Service with the powers of Assistant Sessions Judges as a training for the appointments of District and Sessions Judges, I am desired to forward copies of the opinions of the Judges on the subject.

OPINIONS.

I think it would be very undesirable to create Assistant Sessions Judges in the Punjab for the purpose of training members of the Provincial Service for the two appointments of Divisional and Sessions Judges which will hereafter be open to them.

No doubt it would be desirable that the officers who may hereafter be selected for these appointments should have more experience in criminal work than they are likely to gain as District Judges. But I do not think any special steps need be taken to secure this. District Judges are already first class Magistrates, and occasionally take up important criminal cases. In some instances they have also, I believe, been invested with powers to hear criminal appeals, and they are occasionally employed as Additional District Magistrates on the Frontier. I think it is sufficient to trust to these means for their training. A good Civil Judge with the general experience and knowledge of the country which would be necessarily possessed by any member of the Provincial Service who could have any claim to a Sessions Judgeship would have no difficulty in his work.

Certainly those members of the Provincial Service who have acted in temporary emergencies as Sessions Judges, have not shown any failing in this respect. To bestow special powers on selected members of the Provincial Service for the mere purpose of training them would, I think, often give rise to false hopes, or create heart-burnings and raise difficulties when the time for actual appointment arrived.

C. A. ROE,
Judge.

The 22nd March 1895.

The appointment of Assistant Sessions Judges may have its advantages in other Provinces where District Magistrates are not invested with powers under section 30 of the Criminal Procedure Code. In the Punjab it would be otherwise. When Assistant Sessions Judges would be appointed they would try cases which could be tried by District Magistrates with enhanced powers, and they would have to try them with the aid of Assessors and after commitment to the Sessions. I think it is not desirable that any cases should be so tried which can now be tried by District Magistrates in a prompter and more convenient manner.

In the Punjab there is no necessity to give officers of the Provincial Service likely to be so appointed Sessions Judges training as Assistant Sessions Judges. No officer is likely to be so appointed who will not have had considerable experience of criminal work, at least as Magistrate of the 1st class, if not also as a District Magistrate.

J. FRIZELLE,
Judge.

The 25th March 1895.

I am of the same opinion.

H. T. RIVAZ,
Judge.

The 25th March 1895.

I concur.

A. W. STOGDON,
Judge.

The 25th March 1895.

I also think so.

P. C. CHATTERJI,
Judge.

The 25th March 1895.

From the Government of India, to the Secretary of State for India,—No. 51, dated the 6th August 1895. No. 73.

With reference to the correspondence ending with Your Lordship's predecessor's Public Despatch, No. 104, dated the 8th November last, we have the honour to forward a copy of the papers entered in the enclosed list relative to the proposed introduction into other Provinces of a rule under the Statute 33, Vict., cap. 2, section 6, similiar to that sanctioned for the Madras Presidency in regard to the appointment of Subordinate Judges to be also Assistant Sessions Judges.

2. In his Despatch of the 8th November last, Sir Henry Fowler sanctioned a rule under the Statute 33, Vict., cap. 3, section 6, authorising the Government of Madras to appoint any Subordinate Judge, being a member of the Provincial Civil Service and a Native of India proved merit and ability, to be also an Assistant Sessions Judge, and observed that the reasons which had induced us to propose the rule for the Madras Presidency seemed to apply to

other Provinces as well as to Madras. In our Home Secretary's letters, No. 69 to 71, dated the 24th January last, we consulted the Governments of Bengal, the North-Western Provinces and Oudh, and the Punjab as to the desirability of adopting, as regards those Provinces, a rule similar to that sanctioned for the Madras Presidency, and subject to the limitation that the number of appointments to be made at the same time under the rule should, as in the case of the Madras Presidency, be not more than necessary to provide an adequate supply for filling the appointments of District and Sessions Judge in Bengal and the North-Western Provinces and Oudh and Divisional and Sessions Judge in the Punjab listed as open to the Provincial Civil Service. We did not consider it necessary to refer the question to the Government of Bombay, as Assistant Judges in the Bombay Presidency exercise criminal powers, and two posts of Assistant Judge have been thrown open to the Bombay Provincial Civil Service. Members of the Provincial Service can therefore qualify for the post of District and Sessions Judge in the Bombay Presidency by service in the office of Assistant Judge.

3. The Lieutenant-Governor of Bengal, in his Chief Secretary's letter, No. 1040-A., dated the 16th February last, expressed the opinion that the present circumstances of Bengal did not call for measures similar to those adopted in the Madras Presidency, and observed that it had already been decided by Lord Lansdowne's Government, that officers of the Judicial branch of the Provincial Service, who might be selected for listed posts, could most conveniently be trained in criminal and Revenue work by being employed in a corresponding grade as Deputy Magistrates. In our Home Secretary's letter, No. 874-A., dated the 31st May last, the Lieutenant-Governor was informed of the reasons for which, on further consideration, it seemed to us undesirable to adopt the proposal for training Subordinate Judges for criminal work by employing them temporarily as Deputy Magistrates in Provinces, like Bengal, where the status of Subordinate Judges is relatively high ; and our preference was expressed for the alternative arrangement under which Subordinate Judges would be trained for the work of Sessions Judges by being appointed to be also Assistant Sessions Judges. As our proposal appeared to have been to some extent misapprehended by the Bengal Government, we explained that no question of transfer to a higher Service or of an increased rate of pay was involved in it, but that it was simply proposed that a Subordinate Judge, who might be considered a likely candidate for advancement to a listed appointment as a District and Sessions Judge, should first perform criminal business as an Assistant Sessions Judge, in addition to his ordinary civil work. We accordingly informed the Local Goverment that unless it had anything to urge against this being done, we proposed to recommend that a rule similar to that adopted in Madras should be applied to Bengal. The Lieutenant-Governor has now agreed to such a rule being framed; and we accordingly submit for the sanction of Your Lordship in Council the enclosed draft rule the terms of which are similar to those of the rule sanctioned by Your Lordship's predecessor for the Madras Presidency.

4. Six appointments of District and Sessions Judge have been listed as open to the Bengal Provincial Civil Service, but the full number is at present appropriated by members of the Statutory Civil Service, of whom two are substantive Judges. Looking, however, to the reasonable prospect of vacancies—permanent and temporary—likely to occur among the six Judges of the Statutory Civil Service, the Local Government is disposed to think that it will be sufficient to select two Subordinate Judges for appointment under the proposed rule to be Assistant Sessions Judges. Sir Charles Elliott, however, thinks that if a Subordinate Judge who has been trained as an Assistant Sessions Judge, could be appointed to officiate as a District and Sessions Judge during the temporary absence on privilege leave of a Judge belonging to the Indian Civil Service, although the six listed posts may at the time be filled up by six Statutory or Provincial officers, it would be a great convenience to the Administration, as, in consequence of the deficiency in the number of Indian Civilians of from 10 to 17 years' service, the Local Government is not infrequently compelled either to refuse privilege leave to Judges or to appoint very junior officers to act during their absence. If permission to make such an appointment is accorded, it will, in the opinion of the Local Government, be desirable to place three, instead of two Subordinate Judges in training for District Judgeships.

5. We agree with the Government of Bengal that, in view of the deficiency in that Province of officers of the Indian Civil Service of sufficient experience to act in the posts of District and Sessions Judge, it may be desirable, in the interests of the Public Service, to occasionally appoint an experienced Subordinate Judge who has been trained as an Assistant Sessions Judge to officiate as a District and Sessions Judge in a temporary privilege leave vacancy, even when such an appointment involves a temporary excess in the number of listed Judgeships. This course would in our opinion, be preferable to the appointment

of an inexperienced junior officer of the Indian Civil Service in such a vacancy. An appointment of the kind in question, however, cannot be made by the Local Government under the rules * under Statute 33, Vict., cap. 3, section 6, issued in our Home Department Notification No. 2159, dated 2nd November 1892, which limit the appointment of officers of the Provincial Civil Service to the offices listed as open to that Service, and can only be made in accordance with the provisions of sections 3 and 4 of the Statute 24 and 25, Vict., cap. 54. We propose to resort to those provisions when the necessity for such an appointment is established by the Local Government, and if Your Lordship sanctions the draft rule enclosed, to prescribe three as the number of Subordinate Judges who may at the same time be placed in training for District Judgeships by appointment as Assistant Sessions Judges.

* Sanctioned in Lord Kimberley's Despatch No. 8 (Public), dated 31st August 1892.

6. The reply of the Punjab Government to our Home Secretary's letter of 24th January last, referred to in paragraph 2 above, is contained in its letter No. 675, dated the 8th May last, and we would invite attention to the opinions of the Judges of the Punjab Chief Court enclosed with it. The Lieutenant-Governor concurs in the view expressed by the Judges that, as District Judges in the Punjab (who correspond to Subordinate Judges in Bengal) are already Magistrates of the 1st class and occasionally take up important criminal cases, it is unnecessary to adopt, as regards that Province, a rule similar to that sanctioned for the Madras Presidency. Two District Judgeships have been listed in the Punjab as open to the Provincial Service and these posts will afford to members of the Provincial Service in that Province the same opportunities for qualifying for the post of Divisional and Sessions Judge as will be afforded in Bombay by the listing of the two Assistant Judgeships. We therefore agree that a rule such as has been prescribed in the Madras Presidency is not necessary in the Punjab.

7. We shall address Your Lordship later as to the question of adopting in respect of the North-Western Provinces and Oudh a rule similar to that sanctioned for the Madras Presidency.

LIST OF ENCLOSURES.

1. Draft rule referred to in paragraph 3 of the Despatch.
2. Letters to the Governments of Bengal, the North-Western Provinces and Oudh, and the Punjab, Nos. 69—71, dated the 24th January 1895.
3. Letter from the Government of Bengal, No. 1040-A., dated the 16th February 1895.
4. Letter to the Government of Bengal, No. 874-A., dated the 31st May 1895.
5. Letter from the Government of Bengal, No. 305-A.D., dated the 17th June 1895.
6. Letter from the Government of the Punjab, No. 675, dated the 8th May 1895, and enclosures.

Draft rule referred to in paragraph 3 of the Despatch.

In exercise of the power conferred by the Statute 33, Vict., cap. 3, section 6, and in continuation of the rules published in Notifications No. 2159, dated the 2nd November 1892, and No. 67, dated the 24th January 1895, the Governor General in Council has been pleased to make the following rule which has been sanctioned by the Secretary of State in Council with the concurrence of a majority of the members present : —

"The Government of Bengal may appoint any Subordinate Judge, being a member of the Provincial Civil Service and a Native of India of proved merit and ability, to be also an Assistant Sessions Judge."

From the Secretary of State for India, to the Government of India,—No. 87 (Public), dated the 26th September 1895. No. 74.

I have considered in Council the letter of your Government, No. 51, dated 6th of August last, relative to the introduction into the territories subject to the Lieutenant-Governor of Bengal of a rule under the Statute 33, Vict., cap. 3, similar to that recently sanctioned * for the Madras Presidency in regard to the appointment of Subordinate Judges to be also Assistant Sessions Judges.

* Public Despatch to India, No. 104, dated 8th November 1894.

2. I have to inform you that I have accorded my sanction to the rule with the concurrence of a majority of the Members of my Council present at a meeting.

Home Department (Public), Notification No. 1859, dated the 8th November 1895. No. 75.

In exercise of the power conferred by the Statute 33, Vict., cap. 3, section 6, and in continuation of the rules published in Notifications No. 2159, dated the 2nd November 1892 and

No. 67, dated the 24th January 1895, the Governor General in Council has been pleased to make the following rule which has been sanctioned by the Secretary of State in Council with the concurrence of a majority of the members present:—

"The Government of Bengal may appoint any Subordinate Judge, being a member of the Provincial Civil Service and a Native of India of proved merit and ability to be also an Assistant Sessions Judge."

No. 76. From L. M. THORNTON, Esq., Deputy Secretary to the Government of India, Home Department, to the Chief Secretary to the Government of Bengal,—No. 1887 (Public), dated the 16th November 1895.

I am directed to acknowledge the receipt of your letter No. 305 A.-D., dated the 17th June 1895, on the subject of the proposed appointment of Subordinate Judges in Bengal to be also Assistant Sessions Judges.

2. In reply I am to forward, for the information of His Honour the Lieutenant-Governor, a copy of the papers noted on the margin, from which it will be seen that Her Majesty's Secretary of State for India has sanctioned a rule similar to that sanctioned for the Madras Presidency, empowering the Lieutenant-Governor of Bengal to make such appointments. With reference to paragraphs 4 and 5 of your letter under acknowledgment, I am to say that, as stated in paragraph 5 of the Despatch to the Secretary of State, dated the 6th August last, the Government of India will resort to the provisions of sections 3 and 4 of the Statute 24 and 25, Vict., cap. 54, whenever the Government of Bengal establishes the necessity for appointing an experienced Subordinate Judge who has been trained as an Assistant Sessions Judge to officiate as a District and Sessions Judge in a temporary privilege leave-vacancy, and such an appointment involves a temporary excess above the number of listed Judgeships. The Government of India consider, therefore, that, as proposed by His Honour, the number of Subordinate Judges who may at the same time be placed in training for District Judgeships by appointment as Assistant Sessions Judges may be limited to three.

Despatch to Secretary of State, No. 51, dated the 6th August 1895.
Despatch from Secretary of State, No. 87, dated the 26th September 1895.
Notification No. 1895, dated 8th November 1895.

The Governor General in Council would be glad, when the rule now sanctioned has been in operation for two years, to learn the opinion of the Government of Bengal as to how it has worked.

3. Referring to the question raised in paragraph 6 of your letter, I am to say that for the reasons explained in paragraph 4 of the letter from this Department, No. 285, dated 30th April last, regarding the case of Mr. Umesh Chandra Batabyal, it will not be possible, so long as the listed posts which became available to the Provincial Service down to and in 1883 are filled as at present, to appoint any officer of the Provincial Civil Service substantively to be a Magistrate and Collector or District and Sessions Judge, until the claims of members of the Indian Civil Service appointed in 1884 have been considered.

No. 77. From The Chief Secretary to Government, North-Western Provinces and Oudh, to the Secretary to the Government of India, Home Department,—No. 1969, dated the 28th May 1895.

I am directed to reply to your letter No. 70, dated 4th January 1895, asking whether, in the opinion of the Lieutenant-Governor, it would be desirable to adopt, as regards these Provinces, a rule similar to that sanctioned for the Madras Presidency, by which the Local Government is empowered to appoint any Subordinate Judge, being a member of the Provincial Civil Service and a Native of India of proved merit and ability, to be also an Assistant Sessions Judge.

2. The High Court and the Judicial Commissioner of Oudh were consulted on the question, and I am to forward their opinions. It is undoubtedly desirable that officers of the Provincial Civil Service exercising only civil judicial functions should have some training in criminal business before they are appointed to be District and Sessions Judges. The High Court, however, point out that Subordinate Judges invested with powers of an Assistant Sessions Judge cannot to any appreciable extent relieve Sessions Judges of criminal work, and that, on the other hand, the Subordinate Judges in these Provinces have as much civil work as, and in some cases more civil work than, they can dispose of. In the result they anticipate slight increase in arrears.

3. The Lieutenant Governor prefers the proposal originally suggested by the Government of India that arrangements should be made to transfer Subordinate Judges temporarily

to the Executive line and to employ them for a year upon the ordinary work of a Deputy Magistrate and Collector. A District Judge, in the North-Western Provinces is not only a civil and criminal Judge, but an appeal lies to him from the decision of the Collector or Assistant Collector of the 1st class in all suits under the Rent Act the value of the subject matter of which exceeds one hundred rupees. A Subordinate Judge may be trusted to make himself acquainted with the provisions of the revenue and rent laws of the Province and to study precedents; but no Subordinate Judge has any practical knowledge of the system of land tenure, of the conduct of cases in the magisterial courts, and of police procedure and practice. This knowledge is as essential for a Judge as for an Executive officer, and the training of Indian and Statutory Civilians who are appointed Judges ensures their familiarity with these branches of Executive work. A pleader who has risen through the grade of Munsif to that of Subordinate Judge may never have been brought into contact with the agricultural classes, and may be profoundly ignorant of all matters connected with rural economy and customs. Such a man will learn much by spending a cold weather in camp busied with the multifarious duties which devolve on a Deputy Collector. A practical knowledge of the Criminal Codes can be best obtained by work as Magistrate, and even still more important is the opportunity which would be offered to these officers of understanding the work of the police and the difficulties with which the police are confronted in the investigation of crime. Such a training will, it may be hoped, tend to develope a robust common sense and a sympathy founded on knowledge,—qualities which are essential for a District and Sessions Judge, but which are too often lacking in men whose whole time has been devoted to the hearing and deciding of civil suits in a court-house.

4. The Lieutenant-Governor therefore recommends that two officers selected by the High Court from the Subordinate Judges and Small Cause Court Judges should at the beginning of October in each year be posted as Deputy Magistrates and Collectors to a district for one year. Their places as Subordinate Judges would be taken by officers promoted from the higher grades of Munsifs, and their transfer to the Executive line will enable this Government to dispense with the services of two Officiating Deputy Collectors. It does not seem necessary to insist that these officers should pass an examination in revenue rent law or criminal law. Their general knowledge of law would be sufficient, and for the first six months they would be invested only with the powers of a Magistrate of the 2nd class.

5. Mr. Cadell desires at the same time to give an opportunity to Deputy Collectors of acquiring a knowledge of civil work. This Government would ordinarily select for the listed posts of District Judges officers belonging to the Judicial branch of the Provincial Civil Services; but a specially qualified judicial officer might make an excellent Collector and a specially qualified officer of the Executive Service might be eminently suited for the post of Judge. The rules for regulating admission to the Provincial Civil Service in the Judicial Branch provide that a person who has held the office of Deputy Collector for three years and who has been admitted as a pleader or holds a certificate of the Examination Board that he has qualified for admission as a pleader or as a vakil of the High Court, is eligible for appointment to the grade of Munsif. The Lieutenant-Governor agrees with the High Court that none but duly qualified persons should exercise the powers of a Civil Court; but it would be convenient to this Government to obtain authority to depute a duly qualified Deputy Collector to perform the duties of a Munsiff for one year in the room of a Subordinate Judge deputed as Deputy Magistrate and Collector.

From the Chief Secretary to the Government of the North-Western Provinces and Oudh, to the Secretary to the Government of India,—No. 2289, dated the 26th June 1895. No. 78.

With reference to your letter No. 912, dated 14th June 1895, I am directed to forward 30 copies of the opinions of the High Court of Judicature and of the Judicial Commissioner of Oudh on the subject of the appointment of Subordinate Judges to be also Assistant Sessions Judges.

I am to express regret that by an oversight these opinions did not accompany my letter No. 1969, dated 28th May 1895.

From J. W. Hose, Esq., Registrar, High Court of Judicature, N.-W. Provinces, to Chief Secretary to Government, N.-W. Provinces and Oudh,—No. 1025, dated the 8th April 1895.

With reference to G. O. No. 739, dated the 4th ultimo, in the Appointment Department, I am directed to say that, in the opinion of the Court, it is desirable that some training should be given to members of the Provincial Service to fit them for appointment as District and Sessions Judges. The principle of appointing selected Subordinate Judges to act as

Assistant Sessions Judges is a good one, and might be adopted. It might further be extended to include the Small Cause Court Judges who are generally selected for their appointments as being the better men of the Judicial Service.

2. Although the Court approves the principle, it must point out that the result of its application will probably be to increase the work of the District and Sessions Judge to whom an Assistant Sessions Judge will thus be given, and that District and Sessions Judges are, as a body, sufficiently hard worked already.

3. The Chief Justice and Mr. Justice Banerji direct me to forward their minutes on the subject for the information and consideration of Government.

Minute recorded by the HON'BLE THE CHIEF JUSTICE.

The District Judges and the Subordinate Judges in these Provinces have as much work as, and in some cases more work than they can dispose of. It appears to me that if the proposed scheme were adopted and Sessions Judges were to transfer part of their criminal work to Subordinate Judges acting as Assistant Sessions Judges, and to take over part of the civil work of the Subordinate Judges, the list of arrears in civil cases would increase as a result of dislocation of ordinary work, particularly as the disposal of the criminal work would receive the first attention of the Sessions Judges; and having regard to sections 31 and 408 of Act No. X of 1882, the Sessions Judges, in the great majority of convictions by Assistant Sessions Judges, would have in appeal or by way of confirmation to deal with the cases in which Assistant Sessions Judges had convicted. The effect of sections 31 and 408 would be to increase the total quantity of work which District and Sessions Judges and Subordinate Judges acting as Assistant Sessions Judges would have to dispose of: the quantity of civil work would remain the same, and the quantity of criminal work would be increased. Although it is probable that the confirmations and appeals (sections 31 and 408) representing the increase of the criminal work would not ordinarily, or unless in the case of an exceptionally heavy appeal, take up much of the time of the Sessions Judge, still there would be an increase of work, and I fear that, with a staff already fully employed, either civil or criminal work would necessarily still further fall into arrears. In another respect also additional work would fall upon the Sessions Judge having under him an Assistant Sessions Judge. It would be necessary for the Sessions Judge before assigning criminal work to the Assistant Sessions Judge, to read the Magistrates record in most cases, in order to ascertain if the case was one in which the Assistant Sessions Judge would have jurisdiction to pass an adequate sentence (see section 31 of Act X of 1882). Even when the highest sentence for the offence charged in the Magistrate's order of commitment was one which an Assistant Sessions Judge had jurisdiction to impose, still it would be necessary for the Sessions Judge to read the Magistrate's record, in order to ascertain whether the offence disclosed by the evidence was not a more serious offence than that charged in the order of commitment and for which the adequate sentence was beyond the jurisdiction of an Assistant Sessions Judge.

As it will be necessary to make some appointments to District and Sessions Judgeships from the Provincial Service, I consider that some such arrangement as that proposed should be introduced in order to train members of that Service for the exercise by them of criminal jurisdiction, although a slight increase in arrears of work may be the result.

I observe that apparently the Secretary of State and the Governor-General in Council contemplate that Subordinate Judges and not Deputy Collectors or Native Magistrates, are the persons to be entrusted with some of the powers of Sessions Judges. Certainly, in my opinion, if the object is to provide a training for members of the Provincial Service for the performance of the duties of District and Sessions Judge, the members to be trained are those who have passed through the grade of Munsifs up to the posts of Subordinate Judges. A Subordinate Judge, before he has arrived at that position, has had for years opportunities of acquainting himself practically with the law, Statute and otherwise, applicable in civil cases and has thus acquired a training in that branch of the law not open to men whose time has been devoted to magisterial and executive work. In this connection it must not be overlooked that litigants pay more highly in court fees in this country than in any other with the administration of the law in which I am familiar, for the right of having their civil disputes decided in court, and that it is the duty of the Government to provide competent Civil Judges, more particularly when it is remembered that the findings of fact of a District Judge in appeal are final, and that his jurisdiction as a Civil Appellate Court extends to appeals in which the value does not exceed Rs. 5,000. I point that out as in deciding upon a scheme for the training of members of the Provincial Service for the performance of the duties of District and

Sessions Judges, undue prominence may be given to the requirements of the criminal judicial administration to the serious detriment of the civil judicial administration.

It is a mistake to assume that a Native Magistrate can at once and without any training in civil judicial work become an efficient Civil Judge; on the other hand, an efficient Civil Judge can from his wider training in the law quickly make himself an efficient Criminal Judge. The classes of cases which come before a Munsif or a Subordinate Judge require a much more extensive knowledge of the law of evidence than is required in a Magistrate for the disposal of criminal cases. It is hardly necessary to point out that a man does not become a lawyer in a day or by virtue of a Notification in the Gazette, and that for the performance of the duties of a Civil Judge efficiently a much more extensive knowledge of the law is necessary than is required for the performance of the duties of Criminal Judge.

A Magistrate and a Subordinate Judge have to deal with the same classes of witnesses. Each has to draw conclusions of fact from the evidence before him; but when it comes to applying the law to the facts, the criminal law to be applied by the Magistrates is within a narrow compass, whilst the law to be applied by the Subordinate Judge embraces nearly every branch of the civil customary, common, and statute laws. For the above reasons, I am of opinion that, in order to provide efficient District and Sessions Judges from the ranks of the Provincial Service, the men to receive special training are those who have served as Munsifs and Subordinate Judges, and are not Magistrates who have had no training as Munsifs and Subordinate Judges.

The 9th March 1895. J. EDGE.

Minute recorded by the HON'BLE MR. JUSTICE P. C. BANERJI.

It seems to me that a rule similar to that sanctioned for the Madras Presidency may with advantage be adopted in these Provinces. It is desirable that an officer appointed to perform the duties of a Sessions Judge should have had some experience of criminal work, and therefore opportunities should be afforded to Subordinate Judges to acquire such experience by investing them with criminal powers. The appointment of selected Subordinate Judges as Assistant Sessions Judges will not, it is true, relieve Sessions Judges of their work to any appreciable extent, but there will be the advantage of Subordinate Judges gaining practical experience of criminal work.

I think I may suggest, at the same time, for the consideration of Government, that as District Judges are final Judges of fact in all civil cases the value of which does not exceed Rs. 5,000, it is desirable that officers appointed as District Judges should have some previous experience of civil work, and that before an officer is appointed District Judge he should first be vested with the powers of a Subordinate Judge, and should exercise those powers for at least one year.

The 20th March 1895. P. C. BANERJI.

From J. DEAS, Esq., Officiating Judicial Commissioner, Oudh, to Chief Secretary to Government, N.-W. Provinces and Oudh,—No. 799, dated the 22nd April 1895.

In reply to your letter No. 739, dated 4th March 1895, I have the honour to state that the reasons which have led to the adoption of the rule in question in the Madras Presidency appear to me to be unassailable, and to apply with equal force to Oudh. As a means, therefore, of training not more than two selected Subordinate Judges for Sessions Judgeships at one time, I am of opinion that it is desirable to adopt, as regards Oudh, a rule similar to that sanctioned for the Madras Presidency.

2. If the rule be adopted, the Judge of the Sessions Division will be instructed by me to strictly limit the number of criminal cases transferred to the Subordinate Judge, so as not to overburden him with such work.

From the Chief Secretary to the Government of the North-Western Provinces and Oudh, to the Secretary to the Government of India,—No. 4017, dated the 30th November 1895. No. 79.

I am directed to acknowledge the receipt of your letter No. 1888 (Public), dated 16th November 1895, in which you requested that the Government of India might be furnished with the opinion of Sir Antony MacDonnell on the question of appointing Subordinate Judges to be Assistant Sessions Judges, and on the proposal that this Government should have authority to arrange a temporary interchange of duties between officers of the Executive and Judicial branches of the Provincial Civil Service.

2. In reply I am to say that the Lieutenant-Governor recommends the adoption of the rule which has already been sanctioned for the Madras Presidency as described in your letter No. 70, dated 24th January 1895, and is of opinion that the number of Subordinate Judges who may be appointed at one time to be Assistant Sessions Judges should be limited, as in the case of Madras, to two. With regard to the interchange of appointments between the two branches of the Service, Sir Antony MacDonnell is of opinion that it is unnecessary to take any steps in this direction at the present time.

No. 80. From the Government of India, to the Secretary of State for India, No. 4, dated the 8th January 1896.

In continuation of paragraph 7 of our Public Despatch No. 51, dated the 6th August last, we have the honour to forward a copy of the papers entered in the enclosed list relative to the proposed appointment of Subordinate Judges in the North-Western Provinces and Oudh to be also Assistant Sessions Judges.

2. From the letter from the Government of the North-Western Provinces and Oudh, No. 1969, dated the 28th May last, Your Lordship will observe that Mr. Cadell was in favour of the proposal originally made by the Government of India that Subordinate Judges should be transferred temporarily to the Executive line. He recommended that two officers selected by the High Court from the Subordinate Judges and Small Cause Court Judges should, at the beginning of October in each year, be posted as Deputy Magistrates and Collectors to a district for one year, their places as Subordinate Judges being taken by officers promoted from the higher grades of Munsifs, and the services of two Officiating Deputy Collectors being dispensed with. We decided before coming to a conclusion upon the matter to wait for the opinion of Sir Antony MacDonnell. He recommends the adoption in respect of the North-Western Provinces and Oudh of a rule under Statute 33, Vict., cap. 3, section 6, similar to that sanctioned for the Madras Presidency in regard to the appointment of Subordinate Judges to be also Assistant Sessions Judges, and considers that the number of Subordinate Judges who may be appointed at one time to be Assistant Sessions Judges should be limited to two, as in the case of the Madras Presidency. In that Presidency, and in the North-Western Provinces and Oudh, the same number (4) of appointments of District and Sessions Judge have been listed as open to the Provincial Civil Service.

3. We agree with the views of Sir Antony MacDonnell; and we accordingly submit, for the sanction of Your Lordship in Council, the enclosed draft rule, the terms of which are similar to those of the rules sanctioned * for the Madras Presidency and Bengal.

* *Vide* Public Despatches from Secretary of State, No. 104, dated 8th November 1894, and No. 87, dated 26th September 1895.

4. Assistant Judgeships in Oudh are not among the appointments in the Schedule attached to 24 and 25 Vict., cap. 54, and the Act of 1870 does not apply to them. We consider that the draft rule which we now submit should be applied by executive order to Oudh in the same manner as the rules sanctioned in Lord Kimberley's Public Despatch No. 35 of 31st August 1892 have been applied.

LIST OF ENCLOSURES.

1. Draft rule referred to in paragraph 3 of the Despatch.

2. Letter from the Government of the North-Western Provinces and Oudh, No. 1969, dated 28th May 1895.

3. Letter from the Government of the North-Western Provinces and Oudh, No. 2289, dated 26th June 1895, and enclosures.

4. Letter to the Government of the North-Western Provinces and Oudh, No. 1888, dated 16th November 1895.

5. Letter from the Government of the North-Western Provinces and Oudh, No. 4017, dated 20th November 1895.

Draft rule referred to in paragraph 3 of the Despatch.

In exercise of the power conferred by the Statute 33, Vict., cap. 3, section 6, and in continuation of the rules published in the Notifications marginally noted, the Governor General in Council has been pleased to make the following rule, which has been sanctioned by the Secretary of State in Council with the concurrence of a majority of the members present:—

No. 2159, dated 2nd November 1892.
No. 67. dated 24th January 1895.
No. 1859, dated 8th November 1895.

"The Government of the North-Western Provinces may appoint any Subordinate Judge,

being a member of the Provincial Civil Service and a Native of India of proved merit and ability, to be also an Assistant Sessions Judge."

From the Secretary of State for India, to the Government of India,—No. 6 (Judicial), dated the 13th February 1896. No. 81.

I have considered in Council the letter of your Government, No. 4, dated 8th January last, submitting draft of a rule under the Statute 33, Vict., cap. 3, section 6, for the appointment of Subordinate Judges in the North-Western Provinces to be also Assistant Sessions Judges.

2. I have to inform Your Excellency in Council that, with the concurrence of the majority of members of my Council present at the meeting, I have accorded my sanction to the rule and to your proposal to apply it by executive order to Oudh.

Home Department Public Notification,—No. 661, dated Calcutta, the 26th March 1896. No. 82.

No. 215 G., dated 2nd November 1892.
No. 67, dated 24th January 1895.
No. 1859, dated 8th November 1895.

In exercise of the power conferred by the Statute 33, Vict., cap. 3, section 6, and in continuation of the rules published in the Notifications marginally noted, the Governor General in Council has been pleased to make the following rule, which has been sanctioned by the Secretary of State in Council with the concurrence of a majority of the members present :—

"The Government of the North-Western Provinces may appoint any Subordinate Judge, being a member of the Provincial Civil Service and a Native of India of proved merit and ability, to be also an Assistant Sessions Judge."

From J. P. HEWETT, Esq., C.I.E., Secretary to the Government of India, to the Chief Secretary to the Government of the North Western Provinces and Oudh,—No. 662, dated the 26th March 1896. No. 83.

Despatch to the Secretary of State, No. 4, dated 8th January 1896.
Despatch from the Secretary of State, No. 6 (Judicial), dated 13th February 1896.
Notification No. 661, dated 26th March 1896.

With reference to the correspondence ending with your letter No. 4017, dated the 30th November last, I am directed to forward, for the information of His Honour the Lieutenant-Governor and Chief Commissioner, a copy of the papers noted on the margin, from which it will be seen that, under the Statute 33, Vict., cap. 3, section 6, a rule has been issued by the Government of India, with the sanction of the Secretary of State in Council, authorising the Government of the North-Western Provinces to appoint any Subordinate Judge, being a member of the Provincial Civil Service and a Native of India of proved merit and ability, to be also an Assistant Sessions Judge. I am to invite attention to paragraph 4 of the Despatch to the Secretary of State of the 8th January last, and to say that the Governor General in Council authorises the extension of the rule to Oudh. I am to add that the number of Subordinate Judges in the North-Western Provinces and Oudh who may be appointed at one time to be Assistant Sessions Judges, should, as proposed by Sir Antony MacDonnell, be limited to two.

The Governor General in Council would be glad, when the rule now sanctioned has been in operation for two years, to learn the opinion of the Government of the North-Western Provinces and Oudh as to how it has worked.

From the Secretary of State for India, to the Government of India,—No. 90 (Public), dated the 1st October 1896. No. 84.

I have considered in Council the letter of your Government, No. 57, dated 11th August last, submitting the draft of a rule under Statute 33, Vict., cap. 3, section 6, authorising the appointment of Subordinate Judges in Bombay, who are members of the Provincial Service and natives of India of proved merit and ability, to be also Assistant Sessions Judges.

2. I have to inform your Excellency in Council that, with the concurrence of a majority of the members of my Council present at the meeting, I have accorded my sanction to the rule.

Home Department Public Notification, No. 1713, dated Simla, the 30th October 1896. No. 85.

No. 2159, dated 2nd November 1892.
No. 67, dated 24th January 1895.
No. 1859, dated 8th November 1895.
No. 661, dated 26th March 1896.

In exercise of the power conferred by the Statute 33, Vict., cap. 3, section 6, and in continuation of the rules published in the Notifications marginally noted, the Governor General in Council has been pleased to make the following rule, which has been sanctioned by the Secretary

of State in Council with the concurrence of a majority of the members present:—

"The Government of Bombay may appoint and Subordinate Judge, being a member of the Provincial Civil Service a Native of India of proved merit and ability, to be also an Assistant Sessions Judge."

No. 86. From J. P. Hewett, Esq., C.I E., Secretary to the Government of India, to the Chief Secretary to the Government of Bombay,—No. 1714, dated the 30th October 1896.

With reference to the correspondence ending with your letter No. 4411, dated the 26th June last, I am directed to forward, for the information of His Excellency the Governor General in Council, a copy of the papers noted on the margin, from which it will be seen that, under the Statute 33, Vict., cap. 3, section 6, a rule has been issued by the Government of India, with the sanction of the Secretary of State in Council, authorising the Government of Bombay to appoint any Subordinate Judge, being a member of the Provincial Civil Service and a Native of India of proved merit and ability, to be also an Assistant Sessions Judge. I am at the same time to invite attention to the concluding words of paragraph 4 of the Despatch to the Secretary of State of the 11th August last, and to say that the number of Subordinate Judges in the Bombay Presidency who may at one time be appointed to be Assistant Sessions Judges should be limited to two.

Despatch to Secretary of State, No. 57 (Public), dated 11th August 1896.
Despatch from Secretary of State, No. 90 (Public), dated 1st October 1896.
Notification No. 1713, dated 30th October 1896.

2. The Governor General in Council would be glad, when the rule now sanctioned has been in operation for two years, to learn the opinion of the Government of Bombay as to how it has worked.

No. 87. From P. G. Melitus, Esq., Deputy Secretary to the Government of India, to the Chief Secretary to the Government of the North-Western Provinces and Oudh,—No. 1300, dated the 11th September 1893.

In continuation of paragraph 2 of the letter from this Department No. 1136, dated the 14th ultimo, I am directed to say that the Governor General in Council is pleased to decide that, for the purposes of the Travelling Allowance Regulations, all ex-Statutory members of the Provincial Civil Service shall be treated as officers of the first class, irrespective of the pay which may be drawn by them.

No. 88. From H. C. Fanshawe, Esq., Officiating Chief Secretary to the Government of the Punjab, to the Secretary to the Government of India, Home Department,—No. 130, dated 24th January 1894.

I am desired to acknowledge the receipt of your letter No. 521, dated the 12th of October 1893, conveying the orders of the Government of India in regard to the salary to be drawn by Mr. S. LeP. T. Clifford while officiating as Divisional Judge of Jullundur.

2. In the letter from this office, No. 796-S., dated the 6th of September 1893, it was stated that Mr. Clifford was entitled to an acting allowance of Rs. 266-10-8 per mensem. This calculation, which had been verified by the Accountant-General, Punjab (*vide* Memo. II appended to Punjab Government letter No. 631-S., dated the 12th of August 1893) was based on the assumption that Mr. Clifford would, in officiating as Divisional Judge, fill an appointment falling under clause 5 of Article 124 of the Civil Service Regulations, and that consequently his acting allowance should be calculated in accordance with the instructions in Article 125.

3. The Accountant-General is, however, now of opinion that this view is incorrect, because the Public Service Commission recommended, with regard to officers of the Provincial Civil Service not specially appointed by the Secretary of State to particular offices, that their leave and pension rules should, with modifications, be those laid down for the Uncovenanted Service, and this recommendation was accepted as published in Home Department Resolution No. $\frac{9}{134\text{-}1352}$, dated the 21st of April 1892. Accordingly, in the absence of any rules to the contrary, the Accountant-General has assumed that the ordinary rules applicable to the calculation of acting allowances for all Uncovenanted officers should be held to govern Mr. Clifford's case, and has allowed him an acting allowance of Rs. 240 per mensem. (5th of Rs. 1,200 per mensem), under Article 155 of the Civil Service Regulations. It will be observed that Mr. Clifford's acting allowance has been calculated on the actual pay of a Divisional Judge of the 3rd grade, but it is a question whether the calculation should not have been made under Article 156 of the Civil Service Regulations, on the average pay of the three grades of Divisional Judge open to the Provincial Civil Service.

Vide paragraph 85 of the Report.

4. It seems desirable to obtain an authoritative ruling on the questions raised in the preceding paragraphs, and I am accordingly to solicit the orders of the Government of India on the following points:—

(a) Whether the acting allowances of officers of the Provincial Civil Service officiating in appointments, which have been declared open to that Service by the Resolution of 21st April 1892 above quoted, should be calculated under Article 125 of the Civil Service Regulations, or under Article 155; and (b) if the latter, whether the appointments of Deputy Commissioner, Divisional and District Judge and Settlement Collector, which are open to the Provincial Civil Service, should be treated as belonging to a graded class with reference to Article 156 of the Regulations.

5. I am to add that the Lieutenant-Governor ventures to think that it is a wise policy to adopt the most generous view possible on such points so as to avoid taking the gloss off the appointments thrown open to the Provincial Civil Service; and he does not see why the appointments above mentioned should not be treated as graded appointments for the purposes of calculating officiating allowances, in the event of it being held that Article 125 of the Civil Service Regulations is applicable.

From L. M. THORNTON, Esq., Offg. Deputy Secretary to the Government of India, to the Chief Commissioner of Burma,—No. 842, dated the 7th May 1894. No. 89.

The attention of the Government of India has been called to the fact that in the Quarterly Civil Lists for Burma, Extra Assistant Commissioners and Myooks are classed together as the "Subordinate Executive and Judicial Service." The former class of officers in Burma corresponds to the Provincial Civil Service in other Provinces, while the latter corresponds to the Subordinate Civil Service; and the inclusion of both the classes in the same list as members of the Subordinate Executive and Judicial Service might prove misleading. I am accordingly to request that the use of the terms "Subordinate Executive Service" and "Subordinate Judicial Service" may be discontinued, and that Extra Assistant Commissioners may be shown in the Civil List as the "Provincial Civil Service," and Myooks as the "Subordinate Civil Service."

From the Government of India, to the Secretary of State for India,—No. 260, dated the 3rd October 1894. No. 90.

We have the honour to forward a copy of a letter* from the Government of the Punjab, in which, with special reference to the case of Mr. Clifford, a member of the Provincial Service acting as Divisional Judge, certain questions are raised in regard to the grant of acting allowances to officers of the Provincial Civil Service while officiating in appointments "listed" as open to that Service.

* No. 130, dated 24th January 1894.

2. The rule regulating the calculation of acting allowances to members of the Indian Civil Service and certain other officers enumerated in Article 124 of the Civil Service Regulations is contained in Article 125, while Article 155 contains the rule applicable to officers in civil employ, whose cases are not provided for either in sections i to vi of Chapter VI of the Regulations or by rules peculiar to the Services concerned. Under Article 125 an officer with a substantive appointment, officiating in another appointment or in a higher grade, is entitled to an acting allowance of one-fifth of the pay of the appointment or grade, but the acting allowance must not be less than (i) two-thirds of the difference between the pay of the appointment or grade and the pay of the officiating officer, or (ii) (subject to the condition that the total salary must not exceed the pay of the higher appointment) Rs. 200. Under the latter Article the officiating officer is entitled to an acting allowance of one-fifth of the pay of the appointment in which he officiates, with this restriction that, except in certain cases, no officer can be appointed to officiate in a higher grade of his own class. There are thus two substantial differences between the treatment of officers to whom Articles 125 and 155 respectively apply, the first relating to the amount of acting allowance and the second to the case in which it is admissible.

3. The first question that has now to be considered is whether an officer of the Provincial Service occupying a "listed" post should be allowed to receive acting promotion in a higher grade. The principal portion of Article 125, which permits acting appointments and acting allowances being reckoned by different grades, was introduced in 1868 when the rule by which members of the Covenanted Civil Service retained their appointments while on furlough was

brought into force, and it was designed to give some compensation to officers on duty, the new leave rules having in other respects benefited absentees at their expense. The concession was not extended to what was then known as the Uncovenanted Service, as in their case no alteration was made in the system of substantive promotion; and the members of this Service therefore continued to be restricted to an acting allowance of 20 per cent. of the pay (taken at the average of the several grades) of the appointment acted in, and were not permitted to act in superior grades. At that time the Uncovenanted Service consisted chiefly of the lower Executive and Judicial Services; the members were all ranged by grade, and their duties, generally speaking, did not alter with a change of grade and were not affected by their seniors taking leave. Since 1868 the prohibition against acting promotion being given from grade to grade of the same class has been abandoned for Police, Educational, Survey and Forest officers, and in other cases including the higher appointments in the Public Works Department. These considerations are in favour of Provincial officers being permitted, when holding "listed" posts, to officiate in vacancies in the different grades to which such posts may belong. On the other hand it may be urged that the duties of the several grades among listed posts do not differ, and that the case therefore is similar to that of the lower posts in the Provincial Service. But after considering all the circumstances, and in view of the expediency of making no greater difference than has already been approved between officers of the Indian Civil Service and of the Provincial Service holding "listed" posts, we are of opinion that the privilege of officiating in a specific grade should be allowed to a Provincial Service officer holding a "listed" post.

4. The remaining question for decision is whether the allowance admissible to a Provincial Service officer acting in a listed post should, under Article 155 of the Civil Service Regulations be one-fifth of the pay of the superior appointment, or should be regulated by Article 125, which prevents the acting allowance from being less than two-thirds of the difference between the pay of the appointment or grade, and the pay of the officiating officer or (subject to the condition that the total salary must not exceed the pay of the appointment) Rs. 200. The rule in Article 125 was, as we have observed above, introduced with the definite purpose of meeting cases of inadequate acting allowances due to the change in furlough rules in 1868. The rule seems to us to convey the admission that, in the class of appointments under consideration, the acting allowance is insufficient if it is less than two-thirds of the difference between the two rates of pay, and since for a member of the Provincial Service the pay of the higher post is calculated at a reduced amount, we think that members of that Service may regard themselves as inadequately paid if they are also debarred from getting as acting pay the amount admissible under Article 125 of the Civil Service Regulations. We consider that if that Article is not made applicable to Provincial officers holding "listed" posts, there will be too great a difference between the salary of a member of the Indian Civil Service and of a Provincial Service officer when acting in the same appointments, and we propose, with your concurrence, to lay down that Article 125 shall regulate the case of a Provincial Service officer acting in one of the "listed" posts or holding a listed post and acting in a higher grade.

5. We solicit your approval to the views above set forth. If they are accepted, the allowance at first passed to Mr. Clifford by the Accountant-General, Punjab, will be admissible to him, and the question of applying Article 156 (as recommended by the Punjab Government) will not arise.

No. 91. From the Secretary of State for India, to the Government of India,—No. 215 (Financial), dated the 22nd November 1894.

I have considered in Council Your Excellency's letter dated the 3rd of October, No. 260, respecting the grant of acting allowances to officers of the Provincial Civil Service while officiating in appointments listed as open to that Service.

I approve of your proposal that both when the officer is appointed to act in one of the listed posts and when holding a listed post he officiates in a higher grade, he shall be allowed to draw allowances under Article 125 of the Civil Service Regulations; and I authorise your dealing with the case of Mr. Clifford in this manner.

3. This sanction must however be restricted to such of the listed appointments as have not been amalgamated with the Deputy Collectorships. The new Deputy Collectorships cannot fairly be regarded as open to, and in practice to be held by members of the Indian Civil Service within the meaning of Article 124 (5), and I do not understand that Your Excellency in Council desires to make any distinction as regards officiating pay between them and the other posts with which they have been incorporated. If such a distinction is at any time proposed, I shall wish to have it clearly explained how it can be carried out in practice and how the particular posts which are to be exempted from the proviso to Article 155 will be distinguished from the other Deputy Collectorships.

From L. M. THORNTON, Esq., Deputy Secretary to the Government of India, to the Chief Secretary to the Government of the Punjab,—No. 74, dated the 24th January 1895. No. 92.

Despatch to Secretary of State, No. 260 (Financial), dated the 3rd October 1894.
Despatch from Secretary of State, No. 215 (Financial), dated the 22nd November 1894.

In continuation of my letter No. 1734, dated the 17th October 1894, I am directed to forward, for the information of His Honour the Lieutenant Governor, a copy of the correspondence between the Government of India and the Secretary of State noted on the margin, and to say that, in accordance with the decision of the Secretary of State, Mr. Clifford's allowances should be regulated under Article 125 of the Civil Service Regulations.

2. I am to add that the Civil Service Regulations will be amended so as to embody the decision of the Secretary of State.

Government of India Central Printing Office.—No. 169 H. D.—4-8-98.—604.